



Celebrating the 100th Anniversary of Louis D. Brandeis' Appointment to the U.S. Supreme Court

Selected Bibliography

The bibliography offers a selection of works designed to complement the spring 2016 events, which examine the life and thought of Louis D. Brandeis and the continuing resonance, in the twenty-first century, of the issues that he cared about. It is organized around the topics of the March and April panels. Papers commissioned specifically for the LDB 100 celebration begin each section; author names appear in **bold**.

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Louis D. Brandeis, the Supreme Court, and American Democracy

(January 28, 2016) brandeis.edu/ldb-100/events

Brandeis, Louis D. *Letters of Louis D. Brandeis*. Edited by Melvin I. Urofsky and David W. Levy. 5 vols. Albany: State University of New York Press, 1972–78.

Carmon, Irin, and Shana Knizhnik. *Notorious RBG: The Life and Times of Ruth Bader Ginsburg*. New York: HarperCollins, 2015.

Pasternack, Susan A. *Justice Louis Dembitz Brandeis: Guided by the Light of Reason*. Waltham, Massachusetts: Brandeis University Press, 2007.

Strum, Philippa, ed. *Brandeis on Democracy*. Lawrence, Kansas: University Press of Kansas, 1995.

- . *Louis D. Brandeis: Justice for the People*. Cambridge, Massachusetts: Harvard University Press, 1984.
- Todd, A. L. *Justice on Trial: The Case of Louis D. Brandeis*. New York: McGraw Hill, 1964. [n.b.: this is the only book-length account of the Brandeis confirmation process from start to finish.]
- Toobin, Jeffrey, “Heavyweight: How Ruth Bader Ginsburg Has Moved the Supreme Court.” *New Yorker*, March 11, 2013. Available here:
<http://www.newyorker.com/magazine/2013/03/11/heavyweight-ruth-bader-ginsburg>.
- Urofsky, Melvin I. *Louis D. Brandeis: A Life*. New York: Pantheon Books, 2009.
- . *Louis Brandeis and the Progressive Tradition*. Boston: Little-Brown, 1981.

**Louis Brandeis and the Transformation of American Zionism
Vision, Identity, and Legacy**

(March 1, 2016) brandeis.edu/ldb-100/events

- Brandeis, Louis D., *Brandeis on Zionism: A Collection of Addresses and Statements*. Washington, D. C.: Zionist Organization of America, 1942. Available here:
<https://goo.gl/rH7VUA>.
- Friesel, Evyatar. “Brandeis’s Role in American Zionism Historically Reconsidered.” *American Jewish History* 69 (1979): 34–65.
- Gal, Allon. “In Search of a New Zion: New Light on Brandeis’s Road to Zionism.” *American Jewish History* 68 (1978): 19–31.
- Halpern, Benjamin. “The Americanization of Zionism, 1880–1930.” *American Jewish History* 69 (1979): 15–33.
- Mirsky, Yehuda. “Zionism, Ethics, and the New Birth of Freedom.”
http://jewcy.com/post/zionism_ethics_and_new_birth_freedom.
- Raider, Mark. *The Emergence of American Zionism*. New York: New York University Press, 1998.
- Schmidt, Sarah. “The Zionist Conversion of Louis D. Brandeis.” *Jewish Social Studies* 37 (1975): 18–34.

**Citizenship and the Economy
Labor, Inequality and Bigness**

(March 7, 2016) brandeis.edu/ldb-100/events

Adelstein, Richard, “The Last Autonomist” (commissioned for LDB 100: Then and Now) <http://bir.brandeis.edu/handle/10192/31440>

Goldstein, Alexis, “What a Little Sunlight Can Do: Learning from the Economic Legacy of Louis D. Brandeis” (commissioned for LDB 100: Then and Now) <http://bir.brandeis.edu/handle/10192/31439>

Adelstein, Richard P. “‘Islands of Conscious Power’: Louis D. Brandeis and the Modern Corporation.” *Business History Review* 63 (1989): 614–56.

———. *The Rise of Planning in Industrial America, 1865–1914*. New York: Routledge, 2012.

Berk, Gerald. *Louis D. Brandeis and the Making of Regulated Competition, 1900–1932*. New York: Cambridge University Press, 2012.

Brandeis, Louis D. *Other People’s Money and How the Bankers Use It* (1914). Available here: <https://www.archive.org/details/otherpeoplesmone00bran>.

Goldstein, Alexis. “Why Bigger Isn’t Necessarily Better on Wall Street.” Available here: <https://medium.com/bull-market/why-bigger-isnt-necessarily-better-on-wall-street-8e645918d410-.i91qzcfwj>.

Piketty, Thomas. *Capital in the Twenty-First Century*. Cambridge, Massachusetts: Harvard University Press, 2014.

Purcell, Edward A. *Brandeis and the Progressive Constitution*. New Haven: Yale University Press, 2000.

Rosen, Jeffrey. “Why Brandeis Matters.” *New Republic*, June 29, 2010.

Schragger, Richard C. “The Anti-Chain Store Movement: Localist Ideology and the Remnants of the Progressive Constitution, 1920–1940.” *Iowa Law Review* 101 (2005): 90.

Steffan, Jessie. “Doing Brandeis Justice: The Development of the *Liebmann* Dissent.” *Journal of Supreme Court History* 201 (2014): 39.

Strum, Philippa. *Brandeis: Beyond Progressivism*. Lawrence, Kansas: Kansas University Press, 1993.

Privacy, Technology and the Modern Self

(*March 21, 2016*) brandeis.edu/ldb-100/events

Allen, Anita, “The Declining Significance of Home: Privacy ‘Whilst Quiet’ and of No Use to Artists or Anyone” (commissioned for LDB 100: Then and Now) <http://bir.brandeis.edu/handle/10192/31438>

Harris, Shane, “Privacy Imperiled: What Would Brandeis Make of the NSA and Edward Snowden?” (commissioned for LDB 100: Then and Now) <http://bir.brandeis.edu/handle/10192/31437>

Mirmina, Steven A., “Translating Justice Brandeis’s Views on Privacy for the 21st Century” (commissioned for LDB 100: Then and Now) <http://bir.brandeis.edu/handle/10192/31436>

Allen, Anita. *Unpopular Privacy: What Must We Hide?* New York: Oxford University Press, 2011.

Brandeis, Louis D. and Samuel D. Warren. “The Right to Privacy.” *Harvard Law Review* 4 (1890): 193. Also available here: http://groups.csail.mit.edu/mac/classes/6.805/articles/privacy/Privacy_brand_warr2.html.

Crovitz, Gordon. “The Right to Privacy from Brandeis to Flickr.” *Wall Street Journal*, July 25, 2011.

Harris, Shane. *The Watchers: the Rise of America’s Surveillance State*. New York: Penguin, 2010.

Palmer, Vernon. “Three Milestones in the History of Privacy in the United States.” *Tulane European and Civil Law Law Forum* 26 (2011): 67.

Powell, Connie Davis. “‘You Already Have Zero Privacy—Get Over It’; Would Warren and Brandeis Argue for Privacy for Social Networking?” *Pace Law Review* 31 (2011): 146.

Rosen, Jeffrey. “Information Privacy: Free Speech, Privacy and the Web That Never Forgets.” *Journal on Telecommunications and High Technology Law* 9 (2011): 345.

Schulhofer, Stephen J. *More Essential Than Ever: the Fourth Amendment in the Twenty-First Century* (New York: Oxford Univ. Press, 2012).

Volokh, Eugene. “Tort Law v. Privacy.” *Columbia Law Review* 114 (2014): 879.

Jewish Justices and the Expanding Diversity of the Supreme Court

(April 4, 2016) brandeis.edu/ldb-100/events

Dalin, David, “The Appointment of Louis D. Brandeis, The First Jewish Justice on the Supreme Court” (commissioned for LDB 100: Then and Now)

<http://bir.brandeis.edu/handle/10192/31435>

Greene, Linda, “Diversifying the Supreme Court: Brandeis, Marshall, Sotomayor” (commissioned for LDB 100: Then and Now)

<http://bir.brandeis.edu/handle/10192/31434>

Abrahamson, Jill and Jane Mayer. *Strange Justice: The Selling of Clarence Thomas*. New York: Houghton-Mifflin, 1994.

Dalin, David G., and Alfred J. Kolatch. *The Presidents of the United States and the Jews*. New York: Jonathan David Publishers, 2000.

Gal, Allon. *Brandeis of Boston*. Cambridge, Massachusetts: Harvard University Press, 1981.

———. “Isaiah’s Flame: Brandeis’ Social-Liberal and Zionist Tradition.” *Journal of Modern Jewish Studies* 11 (2012): 207–20.

Greene, Linda. “The Confirmation of Thurgood Marshall to the Supreme Court.” *Harvard Black Letter Law Journal* 6 (1989): 27.

Haygood, Wil. *Showdown: Thurgood Marshall and the Supreme Court Nomination That Changed America*. New York: Alfred K. Knopf, 2015.

Hirshman, Linda. *Sisters in Law: How Sandra Day O'Connor and Ruth Bader Ginsburg Went to the Supreme Court and Changed the World*. New York: HarperCollins, 2015.

Kaufman, Andrew J. *Cardozo*. Cambridge, Massachusetts: Harvard University Press, 1998.

Rosen, Jeffrey. "Brandeis's Seat, Kagan's Responsibility." *New York Times*, July 3, 2010.

Sarna, Jonathan D. "'The Greatest Jew in the World Since Jesus Christ': The Jewish Legacy of Louis D. Brandeis." *American Jewish History* 81 (Spring-Summer, 1994), 346–64.

Urofsky, Melvin I., and David W. Levy, eds. *Half Brother, Half Son: The Letters of Louis D. Brandeis to Felix Frankfurter*. Norman, Oklahoma: University of Oklahoma Press, 1991.

Speech and Participation in a Democracy

(April 18, 2016) brandeis.edu/ldb-100/events

Kendrick, Leslie, "Brandeis, Speech, and Money" (commissioned for LDB 100:

Then and Now) <http://bir.brandeis.edu/handle/10192/31433>

Levy, Jon D., "The Brandeis/*Citizens United* Question" (commissioned for LDB

100: Then and Now) <http://bir.brandeis.edu/handle/10192/31432>

Strum, Philippa, "Speech and Democracy: The Legacy of Justice Brandeis

Today" (commissioned for LDB 100: Then and Now)

<http://bir.brandeis.edu/handle/10192/31431>

Blasi, Vincent. "The First Amendment and the Ideal of Civic Courage: the Brandeis

Opinion in *Whitney v. California*." *William & Mary Law Review* 29 (1988) 653.

Brandeis, Louis, "Concurring Opinion in *Whitney v. California*," (1927). Available here:

http://www.columbia.edu/itc/journalism/j6075/edit/readings/brandeis_concurring1.html

- Collins, Ronald K.L., and Skover, David M. "Curious Concurrence: Justice Brandeis's Vote in *Whitney v. California*." *Supreme Court Review* (2005): 333.
- Gajda, Amy. *The First Amendment Bubble: How Privacy and Paparazzi Threaten a Free Press*. Cambridge, Massachusetts: Harvard University Press, 2015.
- Healy, Thomas. *The Great Dissent*. New York: MacMillan, 2013.
- Kendrick, Leslie. "Speech, Intent, and the Chilling Effect." *William and Mary Law Review* 54 (2013): 1633.
- Konefsky, Samuel J. *The Legacy of Holmes and Brandeis*. New York: MacMillan, 1956.
- Richards, Neil. *Intellectual Privacy: Rethinking Civil Liberties in the Digital Age*. New York: Oxford University Press, 2015.
- Strasser, Mark. "Mill, Holmes, Brandeis, and a True Threat to Brandenburg." *Brigham Young University Journal of Public Law* 26 (2011): 37.
- Strum, Philippa. *Speaking Freely: Whitney v. California and American Speech Law*. Lawrence, Kansas: University Press of Kansas, 2015.
- Urofsky, Melvin I. "Mr. Justice Brandeis and the Art of Judicial Dissent." *Pepperdine Law Review* 39 (2012): 919.
- Youn, Monica, ed. *Money, Politics, and the Constitution: Beyond Citizens United*. New York: Century Foundation Press, 2011.