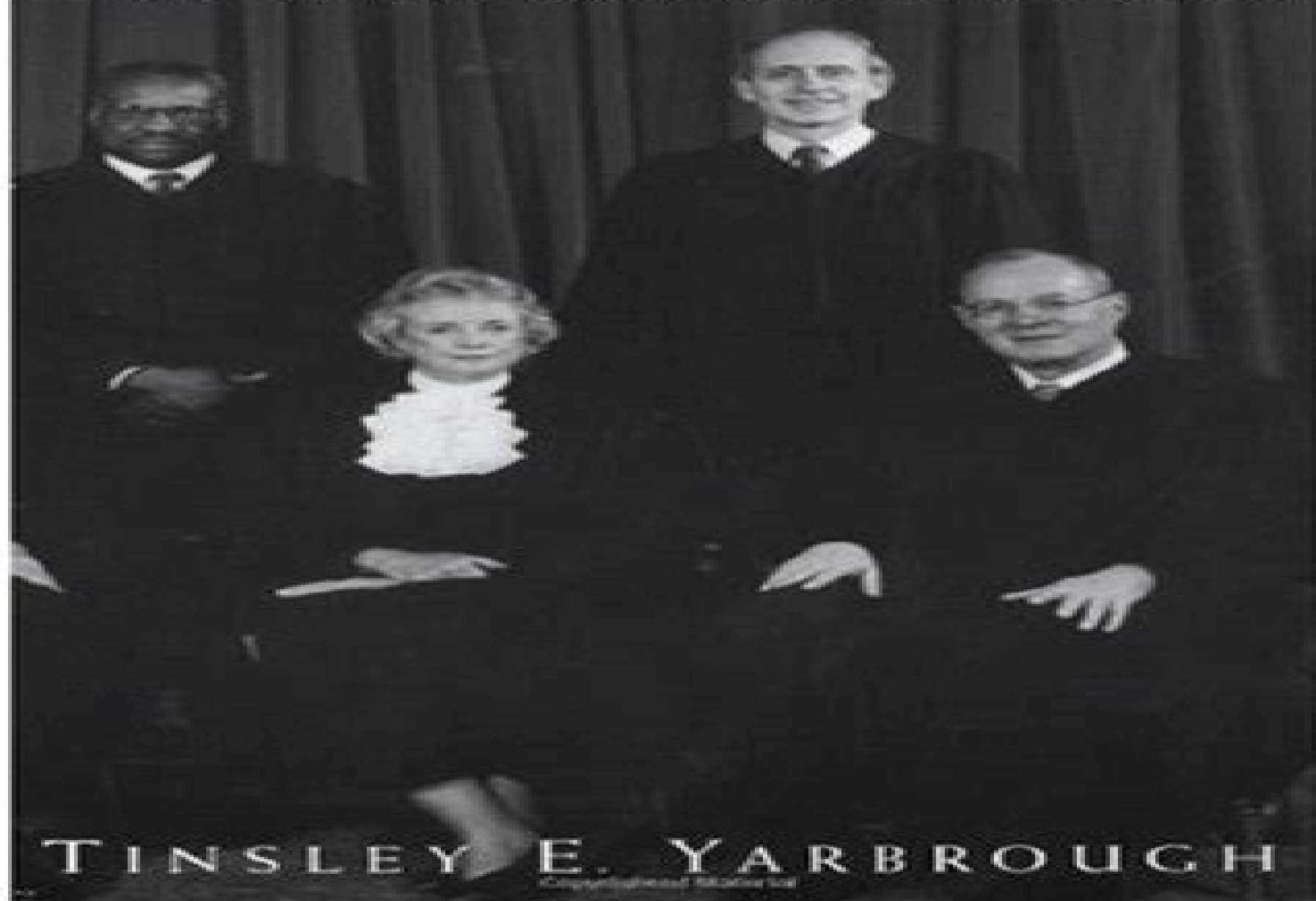


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THE REHNQUIST COURT AND THE CONSTITUTION



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Rehnquist Court And The Constitution

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Rehnquist Court And The Constitution:

Justice Rehnquist and the Constitution Sue Davis, 2016-04-19 This analysis of the decision making of William H Rehnquist from the beginning of his tenure as an Associate Justice of the United States Supreme Court in 1971 until he was nominated to be Chief Justice in 1986 presents a refreshing new perspective on the Burger Court's most conservative member. The common assessment of Rehnquist's career on the Supreme Court is that he has tried to put his own political agenda into effect, deciding as he wishes and justifying it later. Davis disputes that view through careful, insightful analysis of his opinions, his votes, and his public speeches. She argues that Rehnquist does indeed have a judicial philosophy, one that has legal positivism at its core. By examining the interaction between the facets of that judicial philosophy and Rehnquist's particular ordering of values, Davis reveals the coherence of his decision making. The author finds that Rehnquist's hierarchy of values gives paramount importance to state autonomy or the new federalism. He sees the protection of private property as secondary to the significance of federalism, followed finally by the protection of individual rights. Originally published in 1989, The Princeton Legacy Library uses the latest print-on-demand technology to again make available previously out-of-print books from the distinguished backlist of Princeton University Press. These editions preserve the original texts of these important books while presenting them in durable paperback and hardcover editions. The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905. The Rehnquist Court and the Constitution Tinsley E. Yarbrough, 2000

Thoughtful, wide-ranging and intelligently written, this volume is an insightful look at the Rehnquist Court and its impact on law and American life. Supreme Court, 1882 **The Conservative Assault on the Constitution** Erwin

Chemerinsky, 2010-09-28 Over the last few decades, the Supreme Court and the federal appellate courts have undergone a dramatic shift to the right, the result of a determined effort by right-wing lawmakers and presidents to reinterpret the Constitution by reshaping the judiciary. Conservative activist justices have narrowed the scope of the Constitution, denying its protections to millions of Americans exactly as the lawmakers who appointed and confirmed these jurists intended. Basic, long-standing principles of constitutional law have been overturned by the Rehnquist and Roberts courts. As distinguished law professor and constitutional expert Erwin Chemerinsky demonstrates in this invaluable book, these changes affect the lives of every American. As a result of political pressure from conservatives and a series of Supreme Court decisions, our public schools are increasingly separate and unequal to the great disadvantage of poor and minority students. Right-wing politicians and justices are dismantling the wall separating church and state, allowing ever greater government support for religion. With the blessing of the Supreme Court, absurdly harsh sentences are being handed down to criminal defendants, such as life sentences for shoplifting and other petty offenses. Even in death penalty cases, defendants are being denied the right to competent counsel at trial, and as a result, innocent people have been convicted and sentenced to death. Right-wing politicians

complain that government is too big and intrusive while at the same time they are only too happy to insert the government into the most intimate aspects of the private lives of citizens when doing so conforms to conservative morality Conservative activist judges say that the Constitution gives people an inherent right to own firearms but not to make their own medical decisions In some states it is easier to buy an assault rifle than to obtain an abortion Nowhere has the conservative assault on the Constitution been more visible or more successful than in redefining the role of the president From Richard Nixon to George W Bush conservatives have sought to significantly increase presidential power The result in recent years has been unprecedented abuses including indefinite detentions illegal surveillance and torture of innocent people Finally access to the courts is being restricted by new rulings that deny legal protections to ordinary Americans Fewer lawsuits alleging discrimination in employment are heard fewer people are able to sue corporations or governments for injuries they have suffered and even when these cases do go to trial new restrictions limit damages that plaintiffs can collect The first step in reclaiming the protections of the Constitution says Chemerinsky is to recognize that right wing justices are imposing their personal prejudices not making neutral decisions about the scope of the Constitution as they claim or following the original meaning of the Constitution Only then do we stand a chance of reclaiming our constitutional liberties from a rigid ideological campaign that has transformed our courts and our laws Only then can we return to a constitutional law that advances freedom and equality

Rationing the Constitution Andrew Coan,2019-04-29 In this groundbreaking analysis of Supreme Court decision making Andrew Coan explains how judicial caseload shapes the course of American constitutional law and the role of the Court in American society Compared with the vast machinery surrounding Congress and the president the Supreme Court is a tiny institution that can resolve only a small fraction of the constitutional issues that arise in any given year Rationing the Constitution shows that this simple yet frequently ignored fact is essential to understanding how the Supreme Court makes constitutional law Due to the structural organization of the judiciary and certain widely shared professional norms the capacity of the Supreme Court to review lower court decisions is severely limited From this fact Andrew Coan develops a novel and arresting theory of Supreme Court decision making In deciding cases the Court must not invite more litigation than it can handle On many of the most important constitutional questions touching on federalism the separation of powers and individual rights this constraint creates a strong pressure to adopt hard edged categorical rules or defer to the political process or both The implications for U S constitutional law are profound Lawyers academics and social activists pursuing social reform through the courts must consider whether their goals can be accomplished within the constraints of judicial capacity Often the answer will be no The limits of judicial capacity also substantially constrain the Court's much touted and frequently lamented power to overrule democratic majorities As Rationing the Constitution demonstrates the Supreme Court is David not Goliath

The Roberts Court Marcia Coyle,2013-05-07 For years the Supreme Court led by Chief Justice John Roberts has been at the center of a constitutional maelstrom Here the much

honored expert Supreme Court reporter Marcia Coyle's examination of four landmark cases is informative insightful clear and fair Coyle reminds us that Supreme Court decisions matter A lot Portland Oregonian Seven minutes after President Obama put his signature to a landmark national health care insurance program a lawyer in the office of Florida GOP attorney general Bill McCollum hit a computer key sparking a legal challenge to the new law that would eventually reach the nation's highest court Health care is only the most visible and recent front in a battle over the meaning and scope of the US Constitution The battleground is the United States Supreme Court and one of the most skilled insightful and trenchant of its observers takes us close up to watch it in action Marcia Coyle's brilliant inside analysis of the High Court captures four landmark decisions concerning health care money in elections guns at home and race in schools Coyle examines how those cases began and how they exposed the great divides among the justices such as the originalists versus the pragmatists on guns and the Second Amendment and corporate speech versus human speech in the controversial Citizens United case Most dramatically her reporting shows how dedicated conservative lawyers and groups have strategized to find cases and crafted them to bring up the judicial road to the Supreme Court with an eye on a receptive conservative majority The Roberts Court offers a ringside seat to the struggle to lay down the law of the land **Uncertain Justice** Laurence Tribe,Joshua Matz,2014-06-03 An assessment of how the Supreme Court under Chief Justice John Roberts is significantly influencing the nation's laws and reinterpreting the Constitution includes in depth analysis of recent rulings and their implications

Rehnquist Justice Earl M. Maltz,2003 With seven of its justices appointed by Republican presidents today's Supreme Court has significantly altered America's legal landscape since 1986 by tilting constitutional jurisprudence to the right That was the goal of Presidents Reagan and Bush in filling court vacancies and has been felt in cases related to federalism economic rights and affirmative action However liberal issues such as abortion have moved only marginally to the right while rulings by the Court on school prayer and gay rights have moved constitutional doctrine slightly to the left In this collection of original articles prominent constitutional scholars are joined by new voices from the cutting edge of academia to subject the Rehnquist Court to closer scrutiny and to show that its brand of conservatism is less extreme than many have supposed Reflecting views across the political spectrum the contributors help readers understand the Court dynamic its constrained conservatism and the forces that shape constitutional law in general As these authors show the overall pattern of decision making in the Rehnquist era cannot be attributed to any single unified approach to constitutional analysis Instead today's Court can only be understood as the product of a complex interaction among individual justices each with an idiosyncratic view of the proper interpretation of the Constitution and the role of the Court in the American political system These provocative essays are designed to provide readers with insight into this interaction by focusing on each member of the bench From the staunch conservatism of Clarence Thomas to the accommodationism of Sandra Day O'Connor to the liberal constitutionalism of David Souter the essays analyze the unique approach of each justice to interpreting the Constitution

They also show that the current justices are the product of a nomination and confirmation process that has undergone a major transformation in recent decades one which favors experienced often unknown jurists over high profile public servants By concentrating attention on its members Rehnquist Justice allows us to better understand the Supreme Court as a whole And by assessing today's judiciary in light of a public philosophy that looks askance at government it shows us that the Supreme Court has truly become a mirror of its times

Semblances of Sovereignty T. Alexander Aleinikoff, 2009-07-01 In a set of cases decided at the end of the 19th century the Supreme Court declared that Congress had plenary power to regulate immigration Indian tribes and new territories Attuned to the demands of a new century the author argues for abandonment of the plenary power cases and for more flexible conceptions of sovereignty and citizenship

The Supreme Court, Race, and Civil Rights Abraham L. Davis, Barbara Luck Graham, 1995-07-25 Providing a well rounded presentation of the constitution and evolution of civil rights in the United States this book will be useful for students and academics with an interest in civil rights race and the law Abraham L Davis and Barbara Luck Graham's purpose is to give an overview of the Supreme Court and its rulings with regard to issues of equality and civil rights to bring law political science and history into the discussion of civil rights and the Supreme Court to incorporate the politically disadvantaged and the human component into the discussion to stimulate discussion among students and to provide a text that cultivates competence in reading actual Supreme Court cases

Closing the Courthouse Door Erwin Chemerinsky, 2017-01-10 A leading legal scholar explores how the constitutional right to seek justice has been restricted by the Supreme Court The Supreme Court's decisions on constitutional rights are well known and much talked about But individuals who want to defend those rights need something else as well access to courts that can rule on their complaints And on matters of access the Court's record over the past generation has been almost uniformly hostile to the enforcement of individual citizens constitutional rights The Court has restricted who has standing to sue expanded the immunity of governments and government workers limited the kinds of cases the federal courts can hear and restricted the right of habeas corpus *Closing the Courthouse Door* by the distinguished legal scholar Erwin Chemerinsky is the first book to show the effect of these decisions taken together they add up to a growing limitation on citizens ability to defend their rights under the Constitution Using many stories of people whose rights have been trampled yet who had no legal recourse Chemerinsky argues that enforcing the Constitution should be the federal courts primary purpose and they should not be barred from considering any constitutional question

A People's History of the Supreme Court Peter Irons, 2006-07-25 A comprehensive history of the people and cases that have changed history this is the definitive account of the nation's highest court featuring a forward by Howard Zinn Recent changes in the Supreme Court have placed the venerable institution at the forefront of current affairs making this comprehensive and engaging work as timely as ever In the tradition of Howard Zinn's classic *A People's History of the United States* Peter Irons chronicles the decisions that have influenced virtually every aspect of our society from the debates over judicial power to

controversial rulings in the past regarding slavery racial segregation and abortion as well as more current cases about school prayer the Bush Gore election results and enemy combatants To understand key issues facing the supreme court and the current battle for the court s ideological makeup there is no better guide than Peter Irons This revised and updated edition includes a foreword by Howard Zinn A sophisticated narrative history of the Supreme Court Irons breathes abundant life into old documents and reminds readers that today s fiercest arguments about rights are the continuation of the endless American conversation Publisher s Weekly starred review *The Burger Court and the Rise of the Judicial Right* Michael J. Graetz,Linda Greenhouse,2017-06-06 The magnitude of the Burger Court has been underestimated by historians When Richard Nixon ran for president in 1968 Impeach Earl Warren billboards dotted the landscape especially in the South Nixon promised to transform the Supreme Court and with four appointments including a new chief justice he did This book tells the story of the Supreme Court that came in between the liberal Warren Court and the conservative Rehnquist and Roberts Courts the seventeen years 1969 to 1986 under Chief Justice Warren Burger It is a period largely written off as a transitional era at the Supreme Court when according to the common verdict nothing happened How wrong that judgment is The Burger Court had vitally important choices to make whether to push school desegregation across district lines how to respond to the sexual revolution and its new demands for women s equality whether to validate affirmative action on campuses and in the workplace whether to shift the balance of criminal law back toward the police and prosecutors what the First Amendment says about limits on money in politics The Burger Court forced a president out of office while at the same time enhancing presidential power It created a legacy that in many ways continues to shape how we live today Written with a keen sense of history and expert use of the justices personal papers this book sheds new light on an important era in American political and legal history Adapted from dust jacket **Citizenship 2.0** Yossi Harpaz,2019-09-17 Examining an important rising trend in today s global system Citizenship 2 0 does us a fine service in exploring the origins and consequences of the dual citizenship phenomenon Alejandro Portes Princeton University sity Keeping Faith with the Constitution Goodwin Liu,Pamela S. Karlan,Christopher H. Schroeder,2010-08-05 Chief Justice John Marshall argued that a constitution requires that only its great outlines should be marked and its important objects designated Ours is intended to endure for ages to come and consequently to be adapted to the various crises of human affairs In recent years Marshall s great truths have been challenged by proponents of originalism and strict construction Such legal thinkers as Supreme Court Justice Antonin Scalia argue that the Constitution must be construed and applied as it was when the Framers wrote it In Keeping Faith with the Constitution three legal authorities make the case for Marshall s vision They describe their approach as constitutional fidelity not to how the Framers would have applied the Constitution but to the text and principles of the Constitution itself The original understanding of the text is one source of interpretation but not the only one to preserve the meaning and authority of the document to keep it vital applications of the Constitution must be shaped by precedent historical experience practical

consequence and societal change The authors range across the history of constitutional interpretation to show how this approach has been the source of our greatest advances from *Brown v Board of Education* to the New Deal from the *Miranda* decision to the expansion of women's rights They delve into the complexities of voting rights the malapportionment of legislative districts speech freedoms civil liberties and the War on Terror and the evolution of checks and balances The Constitution's framers could never have imagined DNA global warming or even women's equality Yet these and many more realities shape our lives and outlook Our Constitution will remain vital into our changing future the authors write if judges remain true to this rich tradition of adaptation and fidelity

An Introduction to Constitutional Law Randy E.

Barnett, Josh Blackman, 2022-10-13 *An Introduction to Constitutional Law* teaches the narrative of constitutional law as it has developed historically and provides the essential background to understand how this foundational body of law has come to be what it is today This multimedia experience combines a book and video series to engage students more directly in the study of constitutional law All students even those unfamiliar with American history will garner a firm understanding of how constitutional law has evolved An eleven hour online video library brings the Supreme Court's most important decisions to life Videos are enriched by photographs maps and audio from the Supreme Court The book and videos are accessible for all levels law school college high school home school and independent study Students can read and watch these materials before class to prepare for lectures or study after class to fill in any gaps in their notes And come exam time students can binge watch the entire canon of constitutional law in about twelve hours

The Supreme Court and Constitutional Democracy John Agresto, 2016-10-15 In *The Supreme Court and Constitutional Democracy* John Agresto traces the development of American judicial power paying close attention to what he views as the very real threat of judicial supremacy Agresto examines the role of the judiciary in a democratic society and discusses the proper place of congressional power in constitutional issues Agresto argues that while the separation of congressional and judicial functions is a fundamental tenet of American government the present system is not effective in maintaining an appropriate balance of power He shows that continued judicial expansion especially into the realm of public policy might have severe consequences for America's national life and direction and offers practical recommendations for safeguarding against an increasingly powerful Supreme Court John Agresto's controversial argument set in the context of a historical and theoretical inquiry will be of great interest to scholars and students in political science and law especially American constitutional law and political theory

Dreamworlds of Race Duncan Bell, 2022-06-07 How transatlantic thinkers in the late nineteenth and early twentieth centuries promoted the unification of Britain and the United States Between the late nineteenth century and the First World War an ocean spanning network of prominent individuals advocated the unification of Britain and the United States They dreamt of the final consolidation of the Angloworld Scholars journalists politicians businessmen and science fiction writers invested the Anglo Saxons with extraordinary power The most ambitious hailed them as a people destined to bring peace and

justice to the earth More modest visions still imagined them as likely to shape the twentieth century Dreamworlds of Race explores this remarkable moment in the intellectual history of racial domination political utopianism and world order Focusing on a quartet of extraordinary figures Andrew Carnegie W T Stead Cecil J Rhodes and H G Wells Duncan Bell shows how unionists on both sides of the Atlantic reimagined citizenship empire patriotism race war and peace in their quest to secure global supremacy Yet even as they dreamt of an Anglo dominated world the unionists disagreed over the meaning of race the legitimacy of imperialism the nature of political belonging and the ultimate form and purpose of unification The racial dreamworld was an object of competing claims and fantasies Exploring speculative fiction as well as more conventional forms of political writing Bell reads unionist arguments as expressions of the utopianism circulating through fin de si cle Anglo American culture and juxtaposes them with pan Africanist critiques of racial domination and late twentieth century fictional narratives of Anglo American empire Tracing how intellectual elites promoted an ambitious project of political and racial unification between Britain and the United States Dreamworlds of Race analyzes ideas of empire and world order that reverberate to this day

Theory and Credibility Scott Ashworth, Christopher R. Berry, Ethan Bueno de Mesquita, 2021-07-20 A clear and comprehensive framework for bridging the widening gap between theorists and empiricists in social science The credibility revolution with its emphasis on empirical methods for causal inference has led to concerns among scholars that the canonical questions about politics and society are being neglected because they are no longer deemed answerable Theory and Credibility stakes out an opposing view presenting a new vision of how working together the credibility revolution and formal theory can advance social scientific inquiry This authoritative book covers the conceptual foundations and practicalities of both model building and research design providing a new framework to link theory and empirics Drawing on diverse examples from political science it presents a typology of the rich set of interactions that are possible between theory and empirics This typology opens up new ways for scholars to make progress on substantive questions and enables researchers from disparate traditions to gain a deeper appreciation for each other's work and why it matters Theory and Credibility shows theorists how to create models that are genuinely useful to empirical inquiry and helps empiricists better understand how to structure their research in ways that speak to theoretically meaningful questions

First Among Equals Kenneth W. Starr, 2008-12-14 Today's United States Supreme Court consists of nine intriguingly varied justices and one overwhelming contradiction Compared to its revolutionary predecessor the Rehnquist Court appears deceptively passive yet it stands as dramatically ready to defy convention as the Warren Court of the 1950s and 60s Now Kenneth W Starr who served as clerk for one chief justice argued twenty five cases as solicitor general before the Supreme Court and is widely regarded as one of the nation's most distinguished practitioners of constitutional law offers us an incisive and unprecedented look at the paradoxes the power and the people of the highest court in the land In *First Among Equals* Ken Starr traces the evolution of the Supreme Court from its beginnings examines major Court decisions of the past three

decades and uncovers the sometimes surprising continuity between the precedent shattering Warren Court and its successors under Burger and Rehnquist. He shows us as no other author ever has the very human justices who shape our law from Sandra Day O'Connor the Court's most pivotal and perhaps most powerful player to Clarence Thomas its most original thinker. And he explores the present Court's evolution into a lawyerly tribunal dedicated to balance and consensus on the one hand and zealous debate on hotly contested issues of social policy on the other. On race the Court overturned affirmative action and held firm to an undeviating color blind standard. On executive privilege the Court rebuffed three presidents both Republican and Democrat who fought to increase their power at the expense of rival branches of government. On the 2000 presidential election the Court prevented what it deemed a runaway Florida court from riding roughshod over state law illustrating how in our system of government the Supreme Court is truly the first among equals. Compelling and supremely readable *First Among Equals* sheds new light on the most frequently misunderstood legal pillar of American life.

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