



Storm Over The Constitution

Harry V. Jaffa



Storm Over The Constitution:

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Corwin on the Constitution Edward S. Corwin, 2019-06-30 Edward S Corwin is the twentieth century's most eminent commentator on the Constitution Unfortunately he died before he could write the single definitive work on the Constitution he had planned In

three volumes of which this is the first Richard Loss has edited and introduced major essays by Corwin that best delineate his argument in political thought and constitutional law The essays in Volume One examine the foundations of American political and constitutional thought the powers of Congress and the President's power of removal Corwin addresses topics that vary from The Worship of the Constitution to The Constitution as Instrument and Symbol He discusses the lessons of the Constitutional Convention of 1787 takes up the relationship of the Constitution to New Deal democracy and examines democratic dogma and political science A fascinating essay treating the theory of evolution shows how this idea replaced the idea of natural law in American constitutional tradition Loss's introduction provides a biographical sketch of Corwin elaborates and appraises his argument and characterizes Corwin's legacy to the present generation of scholars Loss shows that far from ending debate Corwin's essays on political thought and the removal power establish an intellectual agenda for further inquiry into the tenets of constitutional law In an epilogue Loss deals with Corwin's understanding of Alexander Hamilton's position on the President's removal power an important topic involving not only presidential prerogative but the comparative rank of Hamilton's Federalist papers on the presidency and Hamilton's Pacificus letters Corwin on the Constitution will be of particular interest to judges historians law teachers political scientists students of constitutional law and American political thought

Salt of the Earth, Conscience of the Court John M. Ferren, 2006-03-08 The Kentucky born son of a Baptist preacher with an early tendency toward racial prejudice Supreme Court Justice Wiley Rutledge 1894-1949 became one of the Court's leading liberal activists and an early supporter of racial equality free speech and church state separation Drawing on more than 160 interviews John M Ferren provides a valuable analysis of Rutledge's life and judicial decisionmaking and offers the most comprehensive explanation to date for the Supreme Court nominations of Rutledge Felix Frankfurter and William O Douglas Rutledge was known for his compassion and fairness He opposed discrimination based on gender and poverty and pressed for expanded rights to counsel due process and federal review of state criminal convictions During his brief tenure on the Court he died following a stroke at age fifty five he contributed significantly to enhancing civil liberties and the rights of naturalized citizens and criminal defendants became the Court's most coherent expositor of the commerce clause and dissented powerfully from military commission convictions of Japanese generals after World War II Through an examination of Rutledge's life Ferren highlights the development of American common law and legal education the growth of the legal profession and related institutions and the evolution of the American court system including the politics of judicial selection

Conservative Thought and American Constitutionalism Since the New Deal Johnathan O'Neill, 2022-11-29 In this work of intellectual history the author identifies four transformations in federal government that followed the New Deal the rise of the administrative state the erosion of federalism the ascendance of the modern presidency and the development of modern judicial review He then considers how schools of conservative thought traditionalists neoconservatives libertarians Straussians responded to each transformation

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American Constitution and the Dismissal David Long, 2021-04-28 David Long traces the cause of the 1975 constitutional crisis to the influence of English legal positivism a theory which isolates the meaning from the political scheme the text was framed to support He shows the fundamental premise of a Constitution framed in Convention ratified by the people that cannot be altered without their consent the consent of the governed Legal positivism was adopted by the High Court in 1920 when it abolished the federal scheme and therewith the sovereign States The responsible judge had opposed federalism at the 1897 Convention Long examines two juristic opinions that excused the Governor General s 1975 unprecedented dismissal of a government with the confidence of the House of Representatives He identifies their reliance on legal positivist constitutional interpretations that are expressly rejected by the Founders Long provides a theoretical defense of the Founders original understanding as the object of constitutional construction

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Table of Contents Storm Over The Constitution

1. Understanding the eBook Storm Over The Constitution
 - The Rise of Digital Reading Storm Over The Constitution
 - Advantages of eBooks Over Traditional Books
2. Identifying Storm Over The Constitution
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Storm Over The Constitution
 - User-Friendly Interface
4. Exploring eBook Recommendations from Storm Over The Constitution
 - Personalized Recommendations

- Storm Over The Constitution User Reviews and Ratings
- Storm Over The Constitution and Bestseller Lists
- 5. Accessing Storm Over The Constitution Free and Paid eBooks
 - Storm Over The Constitution Public Domain eBooks
 - Storm Over The Constitution eBook Subscription Services
 - Storm Over The Constitution Budget-Friendly Options
- 6. Navigating Storm Over The Constitution eBook Formats
 - ePub, PDF, MOBI, and More
 - Storm Over The Constitution Compatibility with Devices
 - Storm Over The Constitution Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Storm Over The Constitution
 - Highlighting and Note-Taking Storm Over The Constitution
 - Interactive Elements Storm Over The Constitution
- 8. Staying Engaged with Storm Over The Constitution
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Storm Over The Constitution
- 9. Balancing eBooks and Physical Books Storm Over The Constitution
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Storm Over The Constitution
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Storm Over The Constitution
 - Setting Reading Goals Storm Over The Constitution
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Storm Over The Constitution
 - Fact-Checking eBook Content of Storm Over The Constitution

- Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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