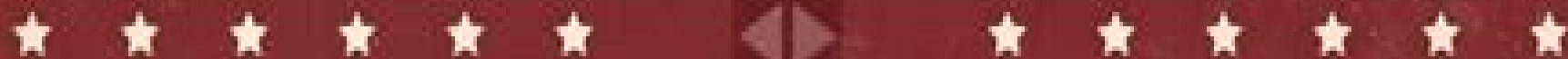


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# Storm Over The Constitution

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## **Storm Over The Constitution:**

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**Storm Over the Constitution** Harry V. Jaffa, 1999-08-31 Written by one of America's foremost political and legal theorists Storm Over the Constitution examines the arguments of some of the leading proponents of the doctrine of original intent According to legal scholars such as Judge Robert Bork Lino Gralia Charles Cooper and Supreme Court Justice Antonin Scalia a jurisprudence of original intent requires that judges bring no theory to the interpretation of the Constitution In this brilliant new book Harry Jaffa illustrates how judges under the influence of this definition of original intent particularly neglect the Declaration of Independence as a guide Jaffa shows that this definition is from the point of view of the American Founding anything but original moreover it is openly hostile to the natural rights theory of those who wrote and ratified the Constitution The author implores Americans to follow the example set by Abraham Lincoln who admired the Declaration of Independence more openly interpreted it more deeply and implemented it more practically than any other president before or since Lincoln's achievement fulfilled a tradition of civic understanding and scholarship closer in time and purpose to the founders and was thus more original

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**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      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. He 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.

**Australia's 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 *Constitutional Restraints Upon the Judiciary* United States. Congress. Senate. Committee on the Judiciary. Subcommittee on the Constitution,1982

**Constitutional Ambiguity and the Interpretation of Presidential Power** Richard W. Waterman,2025-02-01 Examines the role of constitutional ambiguity across the entire spectrum of American history and how it impacts our interpretation of presidential power While the rise of autocratic presidential powers has been widely noted by scholars in recent years with calls by some for a stronger or more accountable presidency Constitutional Ambiguity and the Interpretation of Presidential Power is among the first entirely dedicated to a study of the impact of this ambiguity on how scholars judges and presidents have understood executive power Embarking on a detailed examination of legal historical and political science literature across the broad scope of American history Richard W Waterman examines the concerns of the Constitution s Framers regarding the fear of monarchy and a tyrannical president He then discusses the writing and ratification of the Constitution and by drawing on insights from the time of the Framers to the present day he provides a unique historical timeline related to the discussion and analysis of constitutional ambiguity Over the course of several chapters he finds that no sole theory defines presidential power and ambiguity rules the day allowing presidents to find power in the Constitution s silences as well as its various nooks and crannies which has led to the very real danger of an autocratic presidency *The Supreme Court and the Constitution* Charles A. Beard,2012-07-17 A thorough analysis of the early history and development of judicial review this book by a preeminent scholar ranks among the most cited and highly regarded texts on law and government Constitutional Amendment Reserving State Control Over Public Schools United States. Congress. Senate. Committee on the Judiciary,United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Constitutional Amendments,1959 *The Supreme Court in and of the Stream of Power* Kermit L. Hall,2000 First Published in 2001 Routledge is an imprint of Taylor Francis an informa company **Conservatives and the Constitution** Ken I. Kersch,2019-03-28 Recovers a contested evolving tradition of conservative constitutional argument that shaped the past and is bidding to make the future **Constitutional Amendment Reserving State Control Over Public Schools** United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Constitutional Amendments,1959 Includes Supreme Court decisions in civil rights cases p 224 282 **Congressional Record** United States. Congress,1942

**The Soul of Politics** Glenn Ellmers, 2023-10-17 WITH A NEW PREFACE BY THE AUTHOR Harry V Jaffa 1918 2015 professor at Claremont McKenna College and distinguished fellow of the Claremont Institute was one of the most influential thinkers of the twentieth century His hundreds of students have reached positions of power and prestige throughout the intellectual and political world including at the Supreme Court and the Trump White House Jaffa authored Barry Goldwater's famous 1964 Republican Convention speech which declared Extremism in the defense of liberty is no vice And moderation in the pursuit of justice is no virtue William F Buckley Jaffa's close friend and a key figure in shaping the modern conservative movement wrote If you think it is hard arguing with Harry Jaffa try agreeing with him His widely acclaimed book *Crisis of the House Divided* An Interpretation of the Issues in the Lincoln Douglas Debates 1959 was the first scholarly work to treat Abraham Lincoln as a serious philosophical thinker As the earliest prot g of the controversial scholar Leo Strauss Jaffa used his theoretical insights to argue that the United States is the best regime in principle He saw the American Revolution and the Civil War as world historical events that revealed the true nature of politics Statesmanship constitutional government and the virtues of republican citizenship are keys to unlocking the most important truths of political philosophy Jaffa's student Glenn Ellmers was given complete access to Jaffa's private papers at Hillsdale College to produce the first comprehensive examination of his teacher's vast body of work In addition to Lincoln and the founding fathers the book shares Jaffa's profound insights into Aristotle William Shakespeare Winston Churchill and more *Purchase and Sale of Farm Products* United States. Congress. Senate. Agriculture and Forestry Committee, 1937 **Constitutional Diplomacy** Michael J. Glennon, 2020-12-08 Challenging those who accept or advocate executive supremacy in American foreign policy making *Constitutional Diplomacy* proposes that we abandon the supine roles often assigned our legislative and judicial branches in that field This book by the former Legal Counsel to the Senate Foreign Relations Committee is the first comprehensive analysis of foreign policy and constitutionalism to appear in over fifteen years In the interval since the last major work on this theme was published the War Powers Resolution has ignited a heated controversy several major treaties have aroused passionate disagreement over the Senate's role intelligence abuses have been revealed and remedial legislation debated and the Iran Contra affair has highlighted anew the extent of disagreement over first principles Exploring the implications of these and earlier foreign policy disputes Michael Glennon maintains that the objectives of diplomacy cannot be successfully pursued by discarding constitutional interests Glennon probes in detail the important foreign policy responsibilities given to Congress by the Constitution and the duty given to the courts of resolving disputes between Congress and the President concerning the power to make foreign policy He reviews the scope of the prime tools of diplomacy the war power and the treaty power and examines the concept of national security Throughout the work he considers the intricate weave of two legal systems American constitutional principles and the international law norms that are part of the U S domestic legal system

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