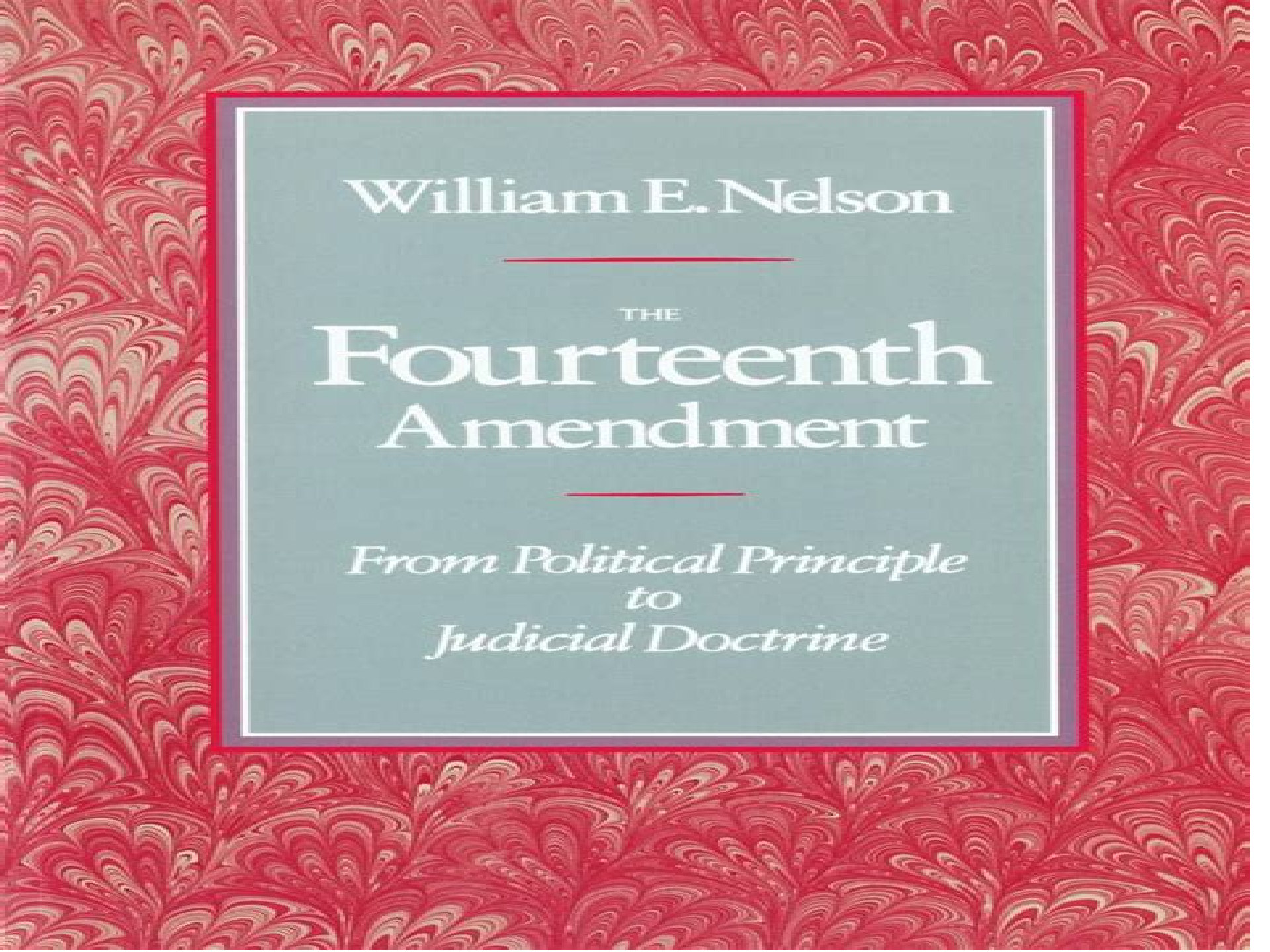




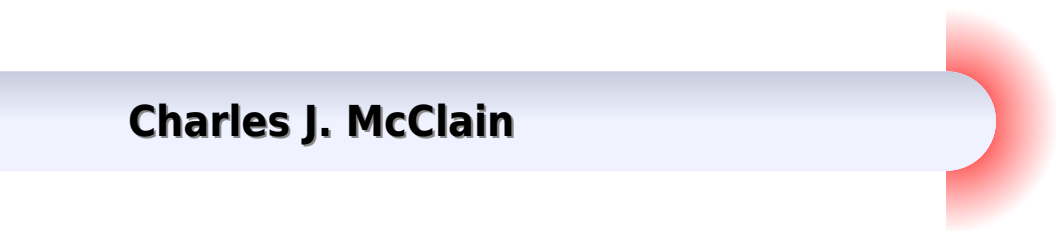
William E. Nelson

THE
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*From Political Principle
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The Fourteenth Amendment From Political Principle To Judicial Doctrine

Charles J. McClain



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The Fourteenth Amendment William E. Nelson, 2009-06-01 In a remarkably fresh and historically grounded reinterpretation of the American Constitution William Nelson argues that the fourteenth amendment was written to affirm the general public's long standing rhetorical commitment to the principles of equality and individual rights on the one hand and to the principle of local self rule on the other

The Fourteenth Amendment William Edward Nelson, 2005 [The Fourth Amendment](#) Michael J. Z. Mannheimer, 2023-08-22 Police are required to obey the law While that seems obvious courts have lost track of that requirement due to misinterpreting the two constitutional provisions governing police conduct the Fourth and Fourteenth Amendments The Fourth Amendment forbids unreasonable searches and seizures and is the source of most constitutional constraints on policing Although that provision technically applies only to the federal government the Fourteenth Amendment ratified in the wake of the Civil War has been deemed to apply the Fourth Amendment to the States This book contends that the courts misinterpretation of these provisions has led them to hold federal and state law enforcement mistakenly to the same constitutional standards The Fourth Amendment was originally understood as a federalism or states rights provision that in effect required federal agents to adhere to state law when searching or seizing Thus applying the same constraint to the States is impossible Instead the Fourteenth Amendment was originally understood in part as requiring that state officials 1 adhere to state law 2 not discriminate and 3 not be granted excessive discretion by legislators These principles should guide judicial review of modern policing Instead constitutional constraints on policing are too strict and too forgiving at the same time In this book Michael J Z Mannheimer calls for a reimagination of what modern policing could look like based on the original understandings of the Fourth and Fourteenth Amendments [The Original Meaning of the Fourteenth Amendment](#) Randy E. Barnett, Evan D. Bernick, 2021-11-02 Randy Barnett and Evan Bernick return to the primary sources on the origin drafting and adoption of the Fourteenth Amendment to better understand its original meaning Arguing that it protected principles of Republican citizenship fundamental rights and civic equality they propose workable doctrines for implementing these principles in practice

The Liberal Tradition in American Politics David F. Ericson, Louisa Bertch Green, 2013-12-02 First Published in 1999 Routledge is an imprint of Taylor Francis an informa company

Do Great Cases Make Bad Law? Lackland H. Bloom, Jr., 2014-03-11 Great cases like hard cases make bad law was Justice Holmes famous aphorism arguing that the pivotal cases attracting Supreme Court attention make for poor bases upon which to construct a general law Frequently such cases catch the public's attention because they raise important legal issues and they become landmark decisions from a doctrinal standpoint Yet from a practical perspective great cases could create laws poorly suited for far less publicly tantalizing but far more common situations In *Do Great Cases Make Bad Law* Lackland H Bloom Jr tests Justice Holmes dictum by analyzing in detail the history of the Supreme Court's great cases from 1803's pivotal *Marbury v Madison* to 2012's Patient Protection and Affordable Care Act case He explains

why the Court found a case compelling how the background and historical context affected the decision and its place in constitutional law and history and in doing so synthesizes important analytical scholarship about these cases to form an intricate scholarly understanding of the holistic significance of the Supreme Court's reasoning in American constitutional law

In Search of Equality Charles J. McClain, 1994-05-03 Charles McClain's illuminating new study probes Chinese efforts to battle manifold discrimination in housing employment and education in nineteenth century America Challenging the stereotypical image of a passive insular group McClain reveals a politically savvy population capable of mobilizing to fight mistreatment He draws on English and Chinese language documents and rarely studied sources to chronicle the ways the Chinese sought redress and change in American courts McClain focuses on the San Francisco Bay Area the home of almost one fifth of the fifty thousand Chinese working in California in 1870 He cites cases in which Chinese laundrymen challenged the city of San Francisco's discriminatory building restrictions and lawsuits brought by parents to protest the exclusion of Chinese children from public schools While vindication in the courtroom did not always bring immediate change Chinese schoolchildren in San Francisco continued to be segregated well into the twentieth century the Chinese community's efforts were instrumental in establishing several legal landmarks In their battles for justice the Chinese community helped to clarify many judicial issues including the parameters of the Fourteenth Amendment and the legal meanings of nondiscrimination and equality Discussing a wide range of court cases and gleaning their larger constitutional significance *In Search of Equality* brings to light an important chapter of American cultural and ethnic history It should attract attention from American and legal historians ethnic studies scholars and students of California culture

Historical Dictionary of the U.S. Constitution Richard S. Conley, 2016-08-16 The Historical Dictionary of the U S Constitution covers the Founding of the American Republic and the Framers the drafting of the Constitution constitutional debates over ratification and traces key events Supreme Court chief justices amendments and Supreme Court cases regarding the interpretation of the Constitution from 1789 2016 The Historical Dictionary of the U S Constitution contains a chronology an introduction appendixes and an extensive bibliography The dictionary section has over 300 cross referenced entries on key figures in the Founding Supreme Court chief justices explanations of the Articles and Amendments to the Constitution and key Supreme Court cases This book is an excellent access point for students researchers and anyone wanting to know more about the U S Constitution

The Dark Past William M. Wiecek, 2024 The Dark Past offers a historical overview and interpretive guide to all the major cases decided by US Supreme Court that have affected the freedom and rights of Black Americans since 1800 It lends coherence to what could otherwise be a disjointed chronicle of cases and connects the events of the past to the current era of racial inequality

Human Rights and Civil Liberties in the 21st Century Yves Haeck, Eva Brems, 2013-11-19 This volume contributes to the on going legal discussion on pressing procedural and substantial law issues in the ambit of international human rights and civil liberties While the 20th century has seen the true awakening of human rights the 21st

century poses new challenges to this ever unfolding area of law Not only do international tribunals and quasi tribunals worldwide and domestic US and European continental courts have to deal with increasing numbers of complaints and petitions from individuals and groups on a vast array of societal problems the legal issues put to them are sometimes extremely difficult to resolve as they relate to very sensitive issues This book examines issues ranging from the status of human rights under US law to the status of the ECHR in the broader context of international law It looks at the role of positive obligations in the case law of the Strasbourg Court as well the impact of its case law on childbirth and push back operation towards boat people but also at the growing unwillingness of ECHR member states to cooperate with the Strasbourg Court It explores the new frontiers in US Capital punishment litigation the first case before the International Criminal Court and the legal effect of judgments of the European Court on third states

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