



The Supreme Court and American Democracy

Case Studies on Judicial
Review and Public Policy

Earl E. Pollock



Supreme Court In American Democracy

Larry N. Gerston



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The Velvet Coup Daniel Lazare, 2001-10-17 Not only will breakdowns like the one that occurred in November 2000 grow more frequent they will grow more serious as well Jacket **The Judicial Branch** Kermit L. Hall, 2005 Presents a collection of essays that provide an examination of the judicial branch of the American government including its history its impact and its future **The Supreme Court and American Democracy** David G. Barnum, 1993 Written expressly for a student audience this core text has a non ideological theme the tension between the Supreme Court's power of judicial review and the democratic majoritarian features of American government This allows the reader to examine the place of the Court in the broader context of American society and the American system of democratic self government Seven case studies show constitutional litigation in action **Institutions of American Democracy: The Judicial Branch** Kermit L. Hall, Kevin T. McGuire, 2005-10-27 Presents a collection of essays that provide an examination of the judicial branch of the American government including its history its impact and its future **A Mere Machine** Anna Harvey, 2013-11-28 Introductory textbooks on American government tell us that the Supreme Court is independent from the elected branches and that independent courts better protect rights than their more deferential counterparts But are these facts or myths In this groundbreaking new work Anna Harvey reports evidence showing that the Supreme Court is in fact extraordinarily deferential to congressional preferences in its constitutional rulings Analyzing cross national evidence Harvey also finds that the rights protections we enjoy in the United States appear to be largely due to the fact that we do not have an independent Supreme Court In fact we would likely have even greater protections for political and economic rights were we to prohibit our federal courts from exercising judicial review altogether Harvey's findings suggest that constitutional designers would be wise to heed Thomas Jefferson's advice to let mercy be the character of the law giver but let the judge be a mere machine

rdquo **Judicial Review and American Democracy** Albert P. Melone, George Mace, 1988 *The Supreme Court and American Democracy* Earl Pollock, 2008-12-30 There is almost no political question in the United States wrote Alexis de Tocqueville that is not resolved sooner or later into a judicial question The U S Supreme Court is the ultimate arbiter of judicial questions weighing the laws enacted by the people's representatives against the inviolable fundamental law embodied in the U S Constitution Virtually every vital political and social issue comes before the Court abortion affirmative action capital punishment elections and voting gay rights gun control separation of church and state and more This book presents living law the case by case shaping of the law on each of these controversial issues in the justices own words and with informative commentary There is almost no political question in the United States wrote Alexis de Tocqueville that is not resolved sooner or later into a judicial question The U S Supreme Court is the ultimate arbiter of judicial questions weighing the laws enacted by the people's representatives against the inviolable fundamental law embodied in the U S Constitution Virtually every vital political and social issue comes before the Court abortion affirmative action capital punishment elections

and voting gay rights gun control separation of church and state and more This book presents living law the case by case shaping of the law on each of these controversial issues in the justices own words Guide to the Court s functions and the ways in which it goes about its work Topically organized sequences of cases through which the law on particular issues evolved including the facts of each case the specific issues before the Court the Court s decision embodied in the text of the majority opinion an account of all opinions handed down and excerpts from the most influential concurrences and dissents Commentary summarizing current federal law on each of the controversial topics covered with notes on the historical background and in some cases the turbulent aftermath of the Court s decisions

The Supreme Court and American Democracy Earl E. Pollock,2008 *Institutions of American Democracy: The Judicial Branch* Kermit L. Hall,Kevin T. McGuire,2005-09-09 In recent years the Supreme Court has been at the center of such political issues as abortion rights the administration of police procedures and the determination of the 2000 presidential election The checks and balances provided by the three branches of federal government are essential to nurturing and maintaining American democracy With the guidance of coeditors Kermit L Hall and Kevin T McGuire this volume of essays examines the role of the Judicial Branch in American democracy and the dynamic between the other branches of government compares international models and discusses possible measures for reform The Judicial Branch considers the impact of courts on American life and addresses such central questions as Is the Supreme Court an institution of social justice Is there a case for judicially created and protected social rights Have the courts become sovereign when interpreting the Constitution Essays examine topics that include the judiciary in the founding of the nation turning points in the history of the American judicial system the separation of powers between the other branches of government how the Supreme Court resolves political conflicts through legal means what Americans know about the judiciary and its functions and whether the American scheme of courts is the best way to support democracy *A Mere Machine* Anna L. Harvey,2010

Trumpism, Bigotry, and the Threat to American Democracy Larry N. Gerston,2023-12-11 In *Trumpism Bigotry and the Threat to American Democracy* Larry N Gerston examines the near lethal combination of American bigotry and the ability of Donald Trump to take advantage of this scourge to satisfy his own political objective The result is an individual who won election to the American presidency by adroitly pitting members of American society against one another while presenting himself as the only person in the position to save America from itself Having succeeded to the nation s most important political office Trump proceeded to use the position for his own benefit irrespective of laws norms and most importantly the Constitution So powerful was Trump that he and his minions came close to overturning the 2020 presidential election with the January 6 2021 insurrection against the nation s Capitol While Trump failed in his attempt to remain in office the threat to the well being of the United States remains real

American Credo Michael Foley,2007-09-13 If America has a claim to exceptionalism *American Credo* locates it in a little understood ability to engage in deep conflicts over political ideas while at the same time reducing adversarial positions to

legitimate derivatives of American history and development Supreme Court Confirmation Hearings and Constitutional Change Paul M. Collins, Lori A. Ringhand, 2013-06-24 This book demonstrates that the hearings to confirm Supreme Court nominees are in fact a democratic forum for the discussion and ratification of constitutional change **Analyzing American Democracy** Jon R. Bond, Kevin B. Smith, 2013-05-29 Analyzing American Democracy teaches students to think analytically by presenting current political science theories and research in answering the engaging big questions facing American politics today It serves as both an introduction to American politics and to the discipline of political science by reflecting the theoretical developments and empirical inquiry conducted by researchers Every chapter highlights the most current research and discusses related public policy It demonstrates for students how to think critically and analytically bringing theoretical insight to contemporary American politics More than just a comprehensive overview and description of how American politics works Jon Bond and Kevin Smith demonstrate how politics can be studied systematically Throughout the text they introduce students to the insights gleaned from rational choice behavioral and biological approaches to politics Understanding these three social scientific models and their applications helps students get the most out of their American government course and out of this text they learn a way of thinking that they can use to make sense of future challenges facing the American polity A number of features help aid comprehension and critical thinking Key Questions at the start of every chapter frame the learning objectives and concepts Politics in Practice boxes in every chapter encourage students to think critically about how practice compares with theory Tables Figures Charts and Maps throughout present the empirical details of American politics helping students gain quantitative literacy Top Ten Takeaway Points at the end of every chapter recap the most important points covered but also help students discern the general principles that make sense of the numerous factual details Key Terms are bolded in the text defined in the margins recapped at the end of the chapter and compiled in a glossary all to help insure that students can effortlessly master the vocabulary of American politics and political science in order to move on to the more important concepts **Leo Strauss, The Straussians, and the Study of the American Regime** Kenneth L. Deutsch, John A. Murley, 1999-09-28 Responding to volatile criticisms frequently leveled at Leo Strauss and those he influenced the prominent contributors to this volume demonstrate the profound influence that Strauss and his students have exerted on American liberal democracy and contemporary political thought By stressing the enduring vitality of classic books and by articulating the theoretical and practical flaws of relativism and historicism the contributors argue that Strauss and the Straussians have identified fundamental crises of modernity and liberal democracy This book emphasizes the broad range of Strauss's influence from literary criticism to constitutional thought and it denies the existence of a monolithic Straussian political orthodoxy Both critics and supporters of Strauss thought are included All political theorists interested in Strauss's extraordinary impact on political thought will want to read this book **The Oxford Handbook of U.S. Judicial Behavior** Lee Epstein, Stefanie A. Lindquist, 2017-06-08 The Oxford Handbook of U S

Judicial Behavior offers readers a comprehensive introduction and analysis of research regarding decision making by judges serving on federal and state courts in the U S Featuring contributions from leading scholars in the field the Handbook describes and explains how the courts political and social context formal institutional structures and informal norms affect judicial decision making The Handbook also explores the impact of judges personal attributes and preferences as well as prevailing legal doctrine influence and shape case outcomes in state and federal courts The volume also proposes avenues for future research in the various topics addressed throughout the book Consultant Editor for The Oxford Handbooks of American Politics George C Edwards III The Most Democratic Branch Jeffrey Rosen,2006-06-19 Looks at some of the most important Supreme Court cases in history and contends that the Supreme Court is most successful when it defers to the constitutional views of the American people **The American Legal System** Albert P. Melone,Allan Karnes,2008 Firmly anchored in social science concepts the second edition of The American Legal System demonstrates the relationships among private law the business legal environment and public law issues as well as related subjects of interest This fifteen chapter book is divided into three parts Part I places the legal system in a political perspective centering on the origins of the law schools of jurisprudence branches and functions of law legitimacy of law how the judiciary functions in the federal system of government and judicial interpretation and decision making Part II contrasts legal processes civil suits for money damages criminal processes equity justice administrative processes and alternative dispute resolution Part III centers on the legal norms or rules governing both civil and criminal conduct property law family law contract law and government regulation of business Throughout the text features edited court opinions many new to this edition illustrating lively and thought provoking controversies that are certain to spark student interest Among the many compelling issues addressed are the legal and constitutional controversies surrounding the Bush Administration s War on Terror and the socially explosive developments concerning same sex marriage In addition each chapter includes at least three comparative notes showing how other legal cultures in different nation states treat legal matters A wealth of pedagogical features chapter opening objectives key terms names and concepts a glossary discussion questions and appendices are included to aid student comprehension The authors have prepared an Instructor s Manual and Test Bank to facilitate the book s use in the classroom *American Democracy and Disconsent* Daniel Monti,2024-04-09 This volume is a thorough re examination of civil unrest and discontent in the United States particularly the intersection of democracy and violence The work argues that unrest and violence are embedded rituals of social and political disconsent and are constitutive features of citizen based democracy As such they are part of how democratic life works unrest is the eruptive visible grammar of citizens in a democratic society Democracy and citizen unrest and violence in the United States are set within a deeper history The author traces the roots of American democracy and the rituals of disconsent to their sources in ancient Mediterranean political society demonstrating that early democratic theory and practice understood unrest and revolt as morally grounded Featuring case studies of recent episodes

of political and social dissent in the United States the volume contextualizes the Black Lives Matter protests unrest around police and institutional violence and the Capitol insurrection on January 6 Through this the book provides an important social theoretical lens through which to understand American discontent around racial injustice political suppression and citizen disillusionment

Political Control of America's Courts Helena Silverstein, 2023-01-18 This volume explores the many ways in which politics shapes the allegedly nonpartisan judicial system in America ranging from how judges are selected to the bench to how they rule when they get there Each title in the Contemporary Debates series examines the veracity of controversial claims or beliefs surrounding a major political cultural issue in the United States Each book gives readers a clear and unbiased understanding of current high interest issues by informing them about falsehoods half truths and misconceptions and confirming the factual validity of other assertions that have gained traction in America's cultural and political discourse This volume in the series provides a deeply researched and even handed account of the relationship between America's judicial branch which is supposed to view law through a nonpartisan lens and the sometimes poisonous partisanship that is such a notorious factor in the nation's other two branches of government Is political combat over judicial nominations worse than ever before What impact is the politicization of the courts having on public faith in the legitimacy of the courts and our wider political system Was former Supreme Court justice Sandra Day O'Connor right when she asserted that judicial independence is a bedrock principle of our court system and we are losing it This work will provide insights into all these questions and more

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