

RELIGIOUS
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POLITICAL
SAFEGUARDS

Louis Fisher

Religious Liberty In America Political Safeguards

David M. O'Brien



Religious Liberty In America Political Safeguards:

Religious Liberty in America Louis Fisher, 2002 It is often assumed that the judiciary especially the Supreme Court provides the best protection of our religious freedom Louis Fisher however argues that only on occasion does the Court lead the charge for minority rights More likely it is seen pulling up the rear By contrast Congress frequently acts to protect religious groups by exempting them from general laws on taxation social security military service labor and countless other statutes Indeed legislative action on behalf of religious freedom is an American success story but one that renowned constitutional authority Fisher argues has been poorly understood by most of us Taking in the full span of American history Fisher demonstrates that over the course of two centuries of American government Congress has often been in the forefront of establishing and protecting rights that have been neglected denied or unrecognized by the Court and that statutory provisions far outstrip in both number and importance the court cases that have expanded religious rights In this concise and insightful book Fisher presents a series of important case studies that explain how Supreme Court rulings on religious liberty have been challenged and countermanded by public pressures legislation and independent state action He tells how religious groups interested in securing the rights of conscientious objectors received satisfaction by taking their cases to Congress not the courts how public uproar over a 1940 Supreme Court ruling sustaining compulsory flag salutes resulted in a court reversal and how Congress intervened in a 1986 ruling upholding a military prohibition of skullcaps for Jews By describing other controversies such as school prayer Indian religious freedom the religious use of peyote and statutory exemptions for religious organizations Fisher convincingly demonstrates that we must understand the political and not just the judicial context for the safeguards that protect religious minorities As this book shows the origin and growth of an individual's right to believe or not believe and the securing of that right has occurred almost entirely outside the courtroom Religious Liberty in America persuasively challenges judicial supremacists on church state issues and provides a highly readable introduction for all students and citizens concerned with their right to believe as they wish

Religious Persecution and Political Order in the United States David T. Smith, 2015-11-12 This book explains why the United States a country that values religious freedom has persecuted some religious minorities while protecting others It explores the experiences of Mormons Jehovah's Witnesses Jews Catholics and Muslims arguing that the state will persecute a religion if it sees it as a political threat

Religion and Politics in America Robert Booth Fowler, 2018-05-04 this book focuses on religion and politics and the dynamic interactions between them It helps to understand the politics of religion in the United States and to appreciate the strategic choices that politicians and religious participants make when they participate in politics

The Oxford Handbook of Religion and American Politics Corwin E. Smidt, Lyman A. Kellstedt, James L. Guth, 2017 Over the past three decades the study of religion and politics has gone from being ignored by the scholarly community to being a major focus of research Yet because this important research is not easily accessible to nonspecialists much of the analysis of religion's role

in the political arena that we read in the media is greatly oversimplified This Handbook seeks to bridge that gap by examining the considerable research that has been conducted to this point and assessing what has been learned what remains unsettled due to conflicting research findings and what important questions remain largely unaddressed by current research endeavors The Handbook is unique to the field of religion and American politics and should be of wide interest to scholars students journalists and others interested in the American political scene

Religion and Politics in America Allen D. Hertzke, Laura R. Olson, Kevin R. den Dulk, Robert Booth Fowler, 2018-08-06 Religion and politics are never far from the headlines but their relationship remains complex and often confusing This book offers an engaging accessible and balanced treatment of religion in American politics It explores the historical cultural and legal contexts that motivate religious political engagement and assesses the pragmatic and strategic political realities that religious organizations and people face Incorporating the best and most current scholarship the authors examine the evolving politics of Roman Catholics evangelical and mainline Protestants African American and Latino traditions Jews Muslims and other religious minorities recent immigrants and religious nones and other conventional and not so conventional American religious movements New to the Sixth Edition Covers the 2016 election and assesses the role of religion from Obama to Trump Expands substantially on religion's relationship to gender and sexuality race ethnicity and class and features the role of social media in religious mobilization Adds discussion questions at the end of every chapter to help students gain deeper understanding of the subject Adds a new concluding chapter on the normative issues raised by religious political engagement to stimulate lively discussions

Animal Sacrifice and Religious Freedom David M. O'Brien, 2004 The Santeria religion of Cuba the Way of the Saints mixes West African Yoruba culture with Catholicism Similar to Haitian voodoo Santeria has long practiced animal sacrifice in certain rites But when Cuban immigrants brought those rituals to Florida local authorities were suddenly confronted with a controversial situation that pitted the regulation of public health and morality against religious freedom After Ernesto Pichardo established a Santeria church in Hialeah in the 1980s the city of Hialeah responded by passing ordinances banning ritual animal sacrifice Although on the surface those ordinances seemed general in intent they were clearly aimed at Pichardo's church When Pichardo subsequently sued the city a federal court ruled in the latter's favor in effect privileging the regulation of public health and morality over the church's free exercise of its religion The U S Supreme Court heard Pichardo's appeal in 1993 and unanimously decided that the city had overstepped its bounds in targeting this particular religious group however the court was sharply divided regarding the basis of its decision Three concurring opinions registered distinctly different views of the First Amendment the limits of government regulation and the religious freedom of minorities In the end the nine justices collectively concluded that freedom of religious belief was absolute while the freedom to practice the tenets of any faith were subject to non discriminatory local regulations David O'Brien one of America's foremost scholars of the Court now illuminates this controversy and its significance for law

government and religion in America His lively account takes us behind the scenes at every stage of the litigation to reveal a riveting case with more twists and turns than a classic whodunit Ranging with equal ease from primitive magic to municipal politics and to the most arcane points of constitutional law O'Brien weaves a compelling and instructive tale with a fascinating array of politicians lawyers jurists civil libertarians and animal rights advocates Offering sharp insights into the key issues and personalities he highlights cultural clashes large and small while maintaining a balance for both the needs of government and the religious rights of individuals The *Santeria* case reaffirmed that our laws must be generally applicable and neutral and may not discriminate against particular religions Tracing the path to that conclusion *Animal Sacrifice and Religious Freedom* provides a provocative and learned account of one of the most unusual and contentious religious freedom cases in American history

Religion and Politics in America Robert Booth Fowler, 2010-11 Religion and politics are never far from the headlines but their relationship remains complex and often confusing *Religion and Politics in America* offers a lively accessible and balanced treatment of religion in American politics The authors explore the historical cultural and legal contexts that underlie religious political engagement while also highlighting the pragmatic and strategic political realities that religious organizations and people face today Incorporating up to date scholarship and analysis of voting behavior through the 2008 elections the fourth edition assesses the politics of conventional and not so conventional American religious movements Features include contemporary case studies useful focus study boxes and timely discussions of Islam Latinos international affairs and political culture

The Oxford Handbook of Church and State in the United States Derek Davis, 2010-11-18 21 essays present a scholarly look at the intricacies and past and current debates that frame the American system of church and state within 5 main areas history politics sociology theology philosophy and law

The U.S. Supreme Court and New Federalism Christopher P. Banks, John C. Blakeman, 2012-07-13 Constitutional scholars Christopher P. Banks and John C. Blakeman offer the most current and the first book length study of the U.S. Supreme Court's new federalism begun by the Rehnquist Court and now flourishing under Chief Justice John Roberts Using descriptive and empirical methods in political science and legal scholarship and informed by diverse approaches to judicial ideology from historical to new institutionalist they investigate how the U.S. Supreme Court rulings have shaped the political principle of federalism While the Rehnquist Court reinvigorated new federalism by protecting state sovereignty and set new constitutional limits on federal power Banks and Blakeman show that in the Roberts Court new federalism continues to evolve in a docket increasingly attentive to statutory construction preemption and business litigation In addition they analyze areas of federalism not normally studied by scholars such as religious liberty and foreign affairs

The Encyclopedia of Civil Liberties in America David Schultz, John R. Vile, 2015-04-10 Driven by the growing reality of international terrorism the threats to civil liberties and individual rights in America are greater today than at any time since the McCarthy era in the 1950s At this critical time when individual freedoms are being weighed against the need for increased security this

exhaustive three volume set provides the most detailed coverage of contemporary and historical issues relating to basic rights covered in the United States Constitution The Encyclopedia of Civil Liberties in America examines the history and hotly contested debates surrounding the concept and practice of civil liberties It provides detailed history of court cases events Constitutional amendments and rights personalities and themes that have had an impact on our freedoms in America The Encyclopedia appraises the state of civil liberties in America today and examines growing concerns over the limiting of personal freedoms for the common good Complete with selected relevant documents and a chronology of civil liberties developments and arranged in A Z format with multiple indexes for quick reference The Encyclopedia of Civil Liberties in America includes in depth coverage of freedom of speech religion press and assembly as outlined in the first amendment protection against unreasonable search and seizure as outlined in the fourth amendment criminal due process rights as outlined in the fifth sixth seventh and eighth amendments property rights economic liberties and other rights found within the text of the United States Constitution Supreme Court justices presidents and other personalities focusing specifically on their contributions to or effect on civil liberties concepts themes and events related to civil liberties both practical and theoretical court cases and their impact on civil liberties *Belief, Law and Politics* Marie-Claire Foblets, Katayoun Alidadi, Zeynep Yanasmayan, 2016-04-15 This edited collection gathers together the principal findings of the three year RELIGARE project which dealt with the question of religious and philosophical diversity in European law Specifically it covers four spheres of public policy and legislation where the pressure to accommodate religious diversity has been most strongly felt in Europe employment family life use of public space and state support mechanisms Embracing a forward looking approach the final RELIGARE report provides recommendations to governance units at the local national and European levels regarding issues of religious pluralism and secularism This volume adds context and critique to those recommendations and more generally opens an intellectual discussion on the topic of religion in the European Union The book consists of two main parts the first includes the principal findings of the RELIGARE research project while the second is a compilation of 28 short contributions from influential scholars legal practitioners policy makers and activists who respond to the report and offer their views on the sensitive issue of religious diversity and the law in Europe *Religion and Contemporary Politics* Timothy J. Demy, Jeffrey M. Shaw Ph.D., 2019-09-19 With respect to the countries of the world this work addresses two basic questions How does religion affect politics in this country and How does politics affect religion in this country Although there are many books on the topics of religion and politics reference works that consider the two together are few with those that do exist primarily addressing theory rather than trends The present work does the latter contextualizing them within regional and national boundaries In so doing it recognizes the power of political and religious ideas and movements on individuals communities and nations making the work a valuable resource for several disciplines among them political science international relations religion and sociology The work focuses on the interplay of religion and

politics in countries around the world with an emphasis on the post 2000s It is organized by global geographic regions including Africa Central and South America and the Middle East and presents countries alphabetically within those sections Each region has a brief overview of the political religious dynamics of the area so readers can compare and contrast the dynamics between and among countries in a region The work also includes an introduction sidebars and a bibliography

The Constitution and 9/11 Louis Fisher, 2008 The Constitution and 9 11 provides a comprehensive striking and disturbing analysis of executive misuse of power that is made all the more compelling by placing it in a rich and fascinating historical context No better book is available for placing post 9 11 government actions in the matrix of history and explaining how executive power has degraded the Constitution and citizen rights William G Weaver Back cover

The State and Federal Courts Christopher P. Banks, 2017-01-26 How does the American judiciary impact the development of legal and social policies in the United States How are the state and federal court systems constructed This book answers these questions and many others regarding politics the U S courts and society This single volume work provides a comprehensive and contemporary treatment of the historical development of state and federal courts that clearly documents how they have evolved into significant political institutions It addresses vital and highly relevant subjects such as the constitutional origins of courts the nature of judicial selection and service and the organization of courts and their administration The book explains civil and criminal legal proceedings the political impact of judicial rulings and the restraints placed upon the exercise of judicial powers Readers will come away with an understanding of the key principles of constitutional interpretation and judicial review as well as judicial independence what factors affect access to courts the underlying politics of state judicial campaigns and the confirmation of presidential appointments to the federal bench The book covers historical and contemporary court perspectives on major issues such as same sex marriage the Affordable Care Act campaign financing gun rights free speech and religious freedom racial discrimination affirmative action criminal procedure and punishments property rights and voting rights

Encyclopedia of the Supreme Court, Second Edition David Schultz, 2021-09-01 Praise for the previous edition concise well written entries Schultz s accessible work will be of use to both undergraduates and the general public recommended for all academic and public libraries Library Journal achieves the goal of presenting a serious overview of the Supreme Court Booklist At its reasonable price this title should be found in every American library public as well as academic It should also be purchased by every high school library no matter how small the school body may be American Reference Books Annual From the structure of the Supreme Court to its proceedings this comprehensive encyclopedia presents the cornerstone of the American justice system Featuring more than 600 A to Z entries written by leading academics and lawyers Encyclopedia of the Supreme Court Second Edition offers a thorough review of critical cases issues biographies and topics important to understanding the Supreme Court Entries include Abortion Capital punishment Citizens United v Federal Election Commission Double jeopardy employment discrimination Federalism Masterpiece

Cakeshop v Colorado Civil Rights Commission Obergefell v Hodges police use of force public health and the U S Constitution Thurgood Marshall Title IX and schools United States v Nixon Earl Warren Wiretapping The Democratic Constitution, 2nd Edition Neal Devins, Louis Fisher, 2015-09-01 Constitutional law is clearly shaped by judicial actors But who else contributes Scholars in the past have recognized that the legislative branch plays a significant role in determining structural issues such as separation of powers and federalism but stopped there claiming that only courts had the independence and expertise to safeguard individual and minority rights In this readable and engaging narrative the authors identify the nuts and bolts of the national dialogue and relate succinct examples of how elected officials and the general public often dominate the Supreme Court in defining the Constitution s meaning Making use of case studies on race privacy federalism war powers speech and religion Devins and Fisher demonstrate how elected officials uphold individual rights in such areas as religious liberty and free speech as well as and often better than the courts This fascinating debunking of judicial supremacy argues that nonjudicial contributions to constitutional interpretation make the Constitution more stable more consistent with constitutional principles and more protective of individual and minority rights **The Democratic Constitution** Neal Devins, Louis Fisher, 2015 Constitutional law is clearly shaped by judicial actors But who else contributes Scholars in the past have recognized that the legislative branch plays a significant role in determining structural issues such as separation of powers and federalism but stopped there claiming that only courts had the independence and expertise to safeguard individual and minority rights In this readable and engaging narrative the authors identify the nuts and bolts of the national dialogue and relate succinct examples of how elected officials and the general public often dominate the Supreme Court in defining the Constitution s meaning Making use of case studies on race privacy federalism war powers speech and religion Devins and Fisher demonstrate how elected officials uphold individual rights in such areas as religious liberty and free speech as well as and often better than the courts This fascinating debunking of judicial supremacy argues that nonjudicial contributions to constitutional interpretation make the Constitution more stable more consistent with constitutional principles and more protective of individual and minority rights Congress Louis Fisher, 2016-02-19 When asked which branch of government protects citizens rights we tend to think of the Supreme Court stepping in to defend gay rights for example in the recent same sex marriage case But as constitutional scholar Louis Fisher reveals in his new book this would be a mistake and not just because a decision like the gay marriage ruling can be decided by the opinion of a single justice Rather we tend to judge the executive and judicial branches idealistically while taking a more realistic view of the legislative with its necessarily messier and more transparent workings In Congress Fisher highlights these biases as he measures the record of the three branches in protecting individual rights and finds that Congress far more than the president or the Supreme Court has defended the rights of blacks women children Native Americans and religious liberty After reviewing the constitutional principles that apply to all three branches of government Fisher conducts us through a history of struggles

over individual rights showing how the court has frequently failed at many critical junctures where Congress has acted to protect rights. He identifies changes in the balance of power over time, a post World War II transformation that has undermined the system of checks and balances the Framers designed to protect individuals in their aspiration for self-government. Without a strong independent Congress, this book reminds us our system would operate with two elected officers in the executive branch and none in the judiciary, a form of government best described as elitist and one no one would deem democratic. In light of the history that unfolds here and in view of a Congress widely decried as dysfunctional, Fisher proposes reforms that would strengthen not only the legislative branch's role in protecting individual rights under the Constitution but also its standing in the democracy it serves.

Defending Congress and the Constitution Louis Fisher, 2011-09-07

The culmination of four decades of research and service on behalf of Congress, Louis Fisher's latest work is a fitting capstone to a remarkable career as scholar and writer and presents his most articulate, passionate, and persuasive defense yet of Congress as an institution. Our nation's leading authority on the separation of powers, Fisher offers a lucid primer on our nation's government and its executive, legislative, and judicial branches while vigorously advocating a robust reassertion of Congress's rightful role within that system. Drawing on a wide range of legislation, Supreme Court rulings, and presidential decisions, Fisher illuminates the contentious contest among the three major branches for power and control of government, presents a panorama of American history, and touches on issues as wide-ranging as federalism, religious freedom, and national security policy. Fisher is especially critical of the stereotypical view of the Supreme Court's decisions as possessing a kind of effectiveness and absolute finality that transcends the efforts and powers of Congress. Indeed, he argues that Congress, as much or more than the judiciary, has had a major positive impact on protecting individual rights in this country, while the judiciary has fallen short in such areas as child labor regulation and compulsory flag salute or has attempted to settle a constitutional issue only to have it fester for years, breeding anger and resentment until the political process forces the courts to rethink their views. He highlights legislative accomplishments in many areas, often in the face of judicial opposition and obstruction, but also chides Congress for not protecting its key prerogatives over the power of the purse and going to war. In yielding to other branches, Fisher warns, lawmakers fail to represent their constituents and cripple the very system of checks and balances the Framers counted on to limit the destructive capacity of government. His book offers a wealth of forceful insights and provides an important reminder and guide to how our government should really work.

The Law of the Executive Branch Dr. Louis Fisher, 2014-01-03

The scope of presidential authority has been a constant focus of constitutional dispute since the Framing. The bases for presidential appointment and removal, the responsibility of the Executive to choose between the will of Congress and the President, the extent of unitary powers over the military, even the ability of the President to keep secret the identity of those consulted in policy-making decisions, have all been the subject of intense controversy. The scope of that power and the manner of its exercise affect not only the actions of the President and the White House staff but

also all staff employed by the executive agencies There is a clear need to examine the law of the entire executive branch The Law of the Executive Branch Presidential Power places the law of the executive branch firmly in the context of constitutional language framers intent and more than two centuries of practice In this book Louis Fisher strives to separate legitimate from illegitimate sources of power through analysis that is informed by litigation as well as shaped by presidential initiatives statutory policy judicial interpretations and public and international pressures Each provision of the US Constitution is analyzed to reveal its contemporary meaning in concert with the application of presidential power Controversial issues covered in the book include unilateral presidential wars the state secrets privilege extraordinary rendition claims of inherent presidential powers that may not be checked by other branches and executive privilege

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