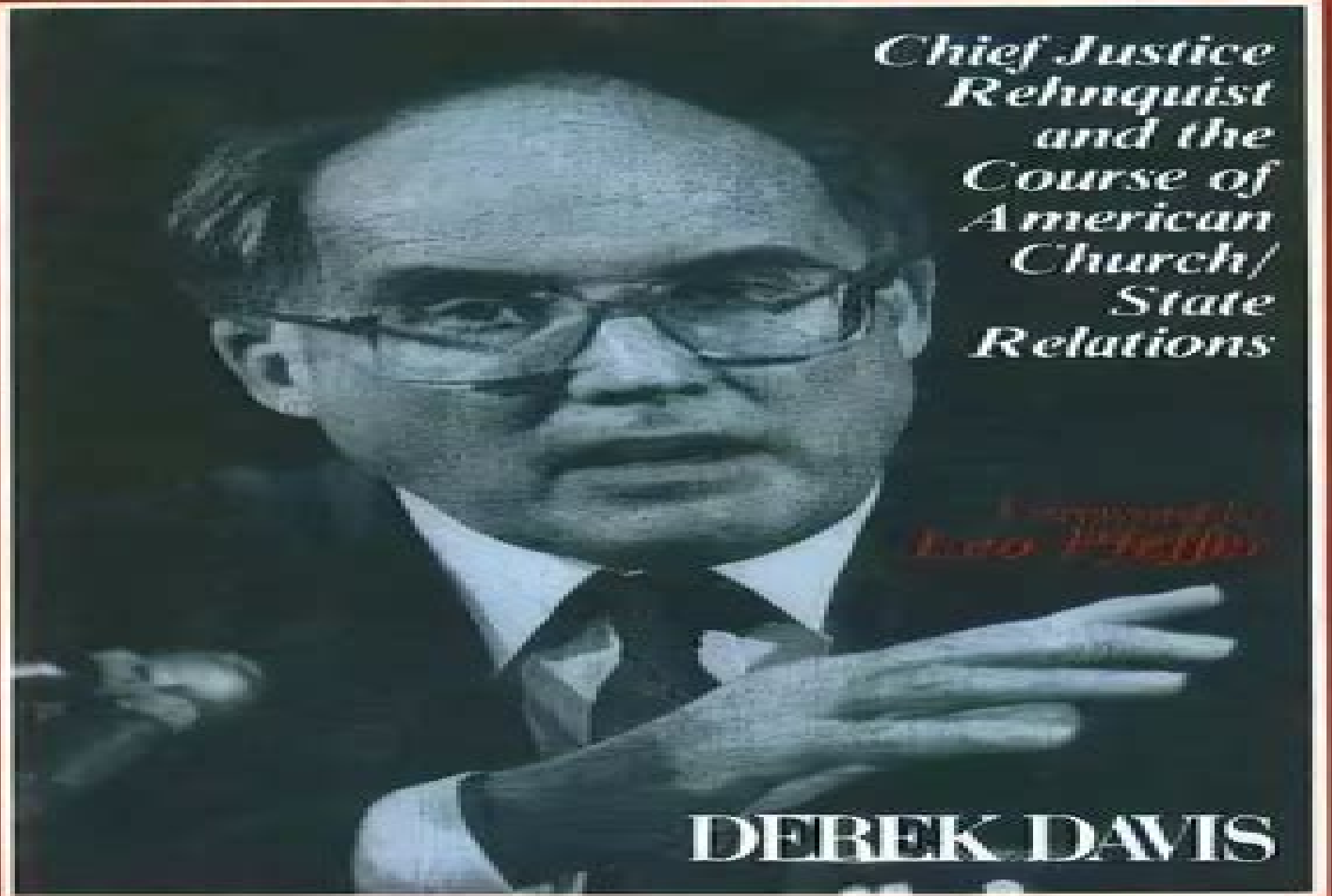


# ORIGINAL INTENT

*Chief Justice  
Rehnquist  
and the  
Course of  
American  
Church/  
State  
Relations*

*Foreword by  
Dennis P. Higgins*

**DEREK DAVIS**



# Original Intent Chief Justice Rehnquist And The Course Of American Church State Relations

**Robert Wuthnow**



## **Original Intent Chief Justice Rehnquist And The Course Of American Church State Relations:**

American Political Leaders, Third Edition Richard Wilson, 2021-10-01 Praise for previous editions accessible this book is an excellent addition to collections serving general readers high schools and undergraduates American Reference Books Annual This readable volume is recommended for high school public and undergraduate libraries Booklist an outstanding reference tool Biographical dictionaries abound in political science as in other fields but Wilson s work is more accessible benefitting from his straightforward approach and simpler organization Highly recommended Choice Recommended Library Media Connection an authoritative and readable guide serves as a helpful resource for high school college and public libraries Christian Library Journal American Political Leaders Third Edition contains 286 biographical profiles of men and women in the United States who have demonstrated their political leadership primarily by being elected nominated or appointed to significant political offices in the United States or by having attained some special prominence associated with political leadership This reference work provides students and general readers with a concise readable guide to present and past leaders in U S politics Included in this book are presidents vice presidents major party candidates for president significant third party candidates important Supreme Court justices Speakers of the U S House of Representatives senators representatives cabinet officers significant agency heads and diplomats Since much of U S political leadership involves the representation of successive waves of new groups within the U S political system special care has been taken to include the contributions of women Native Americans African Americans Hispanic Americans Asian Americans and Americans who represented earlier waves of immigrants to the United States Profiles include John Adams president vice president diplomat Revolutionary leader author Amy Coney Barrett justice of the Supreme Court Pete Buttigieg secretary of transportation candidate for president Andrew Cuomo governor of New York Jefferson Davis secretary of war senator representative president of the Confederate States of America Kamala Harris senator vice president John Lewis civil rights activist representative Gavin Newsom governor of California Barack Obama senator president Sonia Sotomayor associate justice of the Supreme Court Elizabeth Warren senator candidate for president *Antonin Scalia and American Constitutionalism* Edward A. Purcell, Jr., 2020-04-15 Antonin Scalia and American Constitutionalism is an in depth study of Justice Antonin Scalia s jurisprudence his work on the Supreme Court and his significance in the history of American constitutionalism After tracing Scalia s rise to Associate Justice and his subsequent emergence as a hero of the Republican Party and the political right this book reviews and criticizes his general jurisprudential theory arguing that he failed to produce either the objective method he claimed or the correct constitutional results he promised Focusing on his judicial performance over his thirty years on the Court it examines his decisions and opinions on virtually all of the constitutional issues he addressed from the fundamentals of structure federalism separation of powers and the Article III judicial power to specific interpretations of most major constitutional provisions involving governmental powers and the rights of individuals under the Bill of Rights and

the Fourteenth Amendment This book argues that Scalia applied his jurisprudential theories in inconsistent and contradictory ways and often ignored distorted or abandoned the interpretive methods he proclaimed to reach the results he sought results that were aligned with and supported by the post Reagan Republican coalition Scalia was far more consistent in enforcing such ideologically compatible results than he was in following his proclaimed jurisprudential theories Finally assessing Scalia s historical significance Antonin Scalia and American Constitutionalism argues that his jurisprudence and career are particularly illuminating because they exemplify contrary to his persistent claims three paramount characteristics of American constitutionalism the inherent inadequacy of originalism and other formal interpretive methodologies to produce consistent and correct answers to controverted constitutional questions the close relationship that exists particularly so in Scalia s case between constitutional theories and interpretations on one hand and substantive political goals and values on the other and the unavoidably living nature of American constitutionalism itself All in all Scalia stands as a towering figure of irony because his judicial career deconstructed the central claims of his own jurisprudence

**Religious Liberty and the American Founding** Vincent Phillip Muñoz,2024-05-31 An insightful rethinking of the meaning of the First Amendment s protection of religious freedom The Founders understood religious liberty to be an inalienable natural right Vincent Phillip Muñoz explains what this means for church state constitutional law uncovering what we can and cannot determine about the original meanings of the First Amendment s Religion Clauses and constructing a natural rights jurisprudence of religious liberty Drawing on early state constitutions declarations of religious freedom Founding era debates and the First Amendment s drafting record Muñoz demonstrates that adherence to the Founders political philosophy would lead neither to consistently conservative nor consistently liberal results Rather adopting the Founders understanding would lead to a minimalist church state jurisprudence that in most cases would return authority from the judiciary to the American people Thorough and convincing Religious Liberty and the American Founding is key reading for those seeking to understand the Founders political philosophy of religious freedom and the First Amendment Religion Clauses

The Law of Church and State in the Supreme Court Revisited David M. Ackerman, Kimberly D. Jones,2006 The religion clauses of the First Amendment provide that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof In modern times the Supreme Court has frequently construed these clauses to create in Thomas Jefferson s oft quoted metaphor a wall of separation between church and state The Court s decisions have precipitated substantial opposition and in particular since the election of Ronald Reagan to the Presidency in 1980 a concerted and partly successful effort to change its separatist constructions of the religion clauses This volume summarises the doctrinal debates and shifts on the religion clauses that have occurred on the Court during this period It summarises and examines as well the legal effect of each of the 56 decisions the Court has handed down concerning church and state since 1980

*Freedom of Religion Under Bills of Rights* Paul Babie, Neville Rochow,2012 The Australian Constitution contains no guarantee of freedom of religion or freedom

of conscience Indeed it contains very few provisions dealing with rights in essence it is a Constitution that confines itself mainly to prescribing a framework for federal government setting out the various powers of government and limiting them as between federal and state governments and the three branches of government without attempting to define the rights of citizens except in minor respects Whether Australia should have a national bill of rights has been a controversial issue for quite some time This is despite the fact that Australia has acceded to the ICCPR as well as the First Optional Protocol to the ICCPR thereby accepting an international obligation to bring Australian law into line with the ICCPR an obligation that Australia has not discharged Australia is the only country in the Western world without a national bill of rights 4 The chapters that follow in this book debate the situation in Australia and in various other Western jurisdictions From Foreword by The Hon Sir Anthony Mason AC KBE Human Rights and Courts

**Civil Rights & Liberties in the 21st Century** John C Domino, 2017-10-03 This up to date analysis of the Supreme Court s landmark rulings on civil rights and liberties is a discussion of the facts legal issues and constitutional questions surrounding those rulings Domino s text serves as either a core text in courses on civil liberties and civil rights or as a supplementary text in courses on constitutional law and the judiciary The book is written in the belief that the key to understanding constitutional law is not having the right answers but asking the right questions It encourages students to be critical thinkers and provides a historical context so students can better understand competing social legal and political interests affecting the Supreme Court s decisions today The text also includes numerous short excerpts from some of the more influential eloquent and controversial Supreme Court opinions to illustrate the handiwork of the powerful legal minds who have helped to shape our society It reminds us that the Court is not an abstract legal mechanism but rather a group of human beings with divergent opinions

**The Rehnquist Court** Thomas R. Hensley, 2006-06-08 A detailed look at the Rehnquist Court s key figures rulings and major changes to U S constitutional law Did the Rehnquist Court which followed the liberal Warren Court and the moderate Burger Court achieve a conservative counterrevolution Using quantitative data to supplement detailed opinion analysis political scientist Thomas R Hensley argues that continuity not change characterized the Rehnquist Court era But without a doubt the Rehnquist Court was frequently a war zone Fourteen justices served during the Rehnquist era which began in 1986 during the Reagan administration and ended with Rehnquist s death in September 2005 Presidents Reagan and Bush appointed conservative justices and set in motion an assault on the ultra liberal decisions made by the two previous courts But President Clinton appointed two moderate Democrats slowing the conservative juggernaut The result One of the most fascinating contentious and crucial periods in the history of the U S Supreme Court

The Quiet Hand of God Robert Wuthnow, John H. Evans, 2002-10-21 For those who thought Mainline Protestantism was well on its way to extinction this collection provides interesting possibly even shocking reading It points to new life arising out of old structures and changing modes of engagement with the culture The message the reader takes away is that while the future for this religious tradition will not

look like its past it has a future The best book written lately on this topic Wade Clark Roof author of *Spiritual Marketplace Baby Boomers and the Remaking of American Religion* An important contribution to our understanding of the public influence of mainline Protestantism This well written and expansive book reveals how socially civically and politically active mainline Protestantism continues to be in American society contrary to much conventional wisdom Yet it shows the mainline influence as having a particular character different from that of other religious traditions Mainline Protestantism has without justification been understudied lately This landmark book puts it back on the map and will generate discussion and inquiry for years to come Christian Smith author of *The Secular Revolution* This important book provides a balanced critical yet genuinely appreciative analysis of the role of mainline Protestantism's public role It is a stimulating and refreshing change from the mainline Protestant bashing of the past three decades In a time of increased calls for religious organizations to be involved in public life readers will be helped to understand both the possibilities and limits of such involvement as the authors examine the practices and policies of the most publicly engaged of America's religious families Jackson W Carroll coauthor of *Bridging Divided Worlds Congregations and Generational Cultures* An essential book for anyone interested in the public nature and works of the Protestant mainline The vast majority of American citizens believe that churches have a public role But they disagree about what that role should be Help has arrived Jean Bethke Elshtain author of *Jane Addams and the Dream of American Democracy* This book is a comprehensive overview of mainline Protestantism's contribution to the public role of religion during the last three decades of the 20th century It provides a firm platform from which to guide our vision in the new millennium Donald E Miller author of *Reinventing American Protestantism Christianity in the New Millennium*

*The Third Disestablishment* Steven K. Green, 2018-12-11 In 1947 the Supreme Court embraced the concept of church state separation as shorthand for the meaning of the Establishment Clause of the First Amendment The concept became embedded in Court's jurisprudence and remains so today Yet separation of church and state is not just a legal construct it is embedded in the culture Church state separation was a popular cultural ideal chiefly for Protestants and secularists long before the Supreme Court adopted it as a constitutional principle While the Court's church state decisions have impacted public attitudes particularly those controversial holdings regarding prayer and Bible reading in public schools the idea of church state separation has remained relatively popular recent studies indicate that approximately two thirds of Americans support the concept even though they disagree over how to apply it In the follow up to his 2010 book *The Second Disestablishment* Steven K Green sets out to do examine the development of modern separationism from a legal and cultural perspective *The Third Disestablishment* examines the dominant religious cultural conflicts of the 1930s 1950s between Protestants and Catholics but it also shows how other trends and controversies during mid century impacted both judicial and popular attitudes toward church state separation the Jehovah's Witnesses cases of the late 30s and early 40s Cold War anti communism the religious revival and the rise of civil religion the advent of ecumenism and the presidential campaign of

1960 The book then examines how events of the 1960s the school prayer decisions the reforms of Vatican II and the enactment of comprehensive federal education legislation providing assistance to religious schools produced a rupture in the Protestant consensus over church state separation causing both evangelicals and religious progressives to rethink their commitment to that principle Green concludes by examining a series of church state cases in the late 60s and early 70s where the justices applied notions of church state separation at the same time they were reevaluating that concept A Companion to the United States Constitution and Its Amendments John R. Vile, 2025-07-24 Charting 250 years of history the 8th edition of this constitutional companion shows students just how revolutionary the Constitution was and how relevant it remains today After revisiting the key events leading to the Constitution's ratification including the drafting of the Declaration of Independence and the proceedings of the Constitutional Convention this book explores the Constitution article by article and amendment by amendment to help readers better understand how each section of the document shapes the America we live in today The 8th edition illuminates how recent laws political debates and Supreme Court decisions are continually reshaping our understanding of the Constitution and its role in American life and society including such issues as Donald Trump's immunity from prosecution for the January 6th riots Mike Pence's role in certifying Electoral College votes Ketanji Brown Jackson's appointment to the Supreme Court and the Dobbs decision among other controversial developments

Thomas Jefferson and Philosophy M. Andrew Holowchak, 2013-12-11 Though it is not uncommon for historians to have something to say concerning philosophical strands in Jefferson's thought that something is usually insubstantial often misleadingly so or inchoate Overall precious little has been said The significance of the man and the richness of his thought demands that this defect be remedied Thomas Jefferson and Philosophy is a collection of nine new essays on philosophical elements in Jefferson's writings The first of its kind this collection should lead to further philosophical analysis of Jefferson's thinking especially by philosophers who tend to appreciate Jefferson only as the author of the Declaration of Independence and to greater appreciation for the man who gave to statesmanship a large number of the prime of his years out of a moral sense of duty to others In that regard Jefferson was always first a philosopher This book will be a valuable read for students and scholars of history political theory and philosophy as well as anyone interested in the thought of Thomas Jefferson

*Franklin D. Roosevelt and the Transformation of the Supreme Court* Stephen K. Shaw, William D. Pederson, Michael R. Williams, 2015-04-08 Franklin D. Roosevelt appointed 10 justices to the U.S. Supreme Court more than any president except Washington and during his presidency from 1933 to 1945 the Court gained more visibility underwent greater change and made more landmark decisions than it had in its previous 150 years of existence This collection examines FDR's influence on the Supreme Court and the Court's growing influence on American life **The Encyclopedia of Politics and Religion** Robert Wuthnow, 2013-12-04 Containing over 200 articles from prominent scholars The Encyclopedia of Politics and Religion examines ways in which politics and religion have combined to affect social attitudes spark collective action and influence

policy over the last two hundred years With a focus that covers broad themes like millenarian movements and pluralism and a scope that takes in religious and political systems throughout the world the Encyclopedia is essential for its contemporary as well as historical coverage Special Features Encompasses religions individuals geographical regions institutions and events Describes the history of relations between religion and politics Longer articles contain brief bibliographies Attractively designed and produced The Encyclopedia of Politics and Religion will be invaluable for any library public and academic which serves those interested in politics sociology religious studies international affairs and history Contents include Abortion Algeria Anabaptists China Christian Democracy Ethnic Cleansing Gandhi Israel Italy Jesuits Jihad Just War Missionaries Moral Majority Muslim Brethren Temperance Movements Unification Church War Zionism *Democracy and Religion* David W. Odell-Scott,2004 This book explores the interrelations of politics and religion The work is divided into four main sections the constitutional debate regarding the establishment and free exercise of religion clause the themes of violence and nonviolence as they relate to religion the free exercise of religion and the rise of fundamentalism and the challenges to the free exercise of diverse religious practices in a democratic society **The Supreme Court and Religion in American Life, Vol. 2** James Hitchcock,2009-01-10 School vouchers The Pledge of Allegiance The ban on government grants for theology students The abundance of church and state issues brought before the Supreme Court in recent years underscores an incontrovertible truth in the American legal system the relationship between the state and religion in this country is still fluid and changing This the second of two volumes by historian and legal scholar James Hitchcock offers a complete analysis and interpretation of the Court s historical understanding of religion explaining the revolutionary change that occurred in the 1940s In Volume I *The Odyssey of the Religion Clauses* Princeton Hitchcock provides the first comprehensive survey of the court cases involving the Religion Clauses including a number that scholars have ignored Here Hitchcock examines how in the early history of our country a strict separation of church and state was sustained through the opinions of Jefferson and Madison even though their views were those of the minority Despite the Founding Fathers ideas the American polity evolved on the assumption that religion was necessary to a healthy society and cooperation between religion and government was assumed This view was seldom questioned until the 1940s notes Hitchcock Then with the beginning of the New Deal and the appointment of justices who believed they had the freedom to apply the Constitution in new ways the judicial climate changed Hitchcock reveals the personal histories of these justices and describes how the nucleus of the Court after World War II was composed of men who were alienated from their own faiths and who looked at religious belief as irrational divisive and potentially dangerous assumptions that became enshrined in the modern jurisprudence of the Religion Clauses He goes on to offer a fascinating look at how the modern Court continues to grapple with the question of whether traditional religious liberty is to be upheld **Religious Freedom** Melvin I. Urofsky,2002-04-03 This volume provides in a single source a thorough grounding in the origin development and current controversies surrounding the free practice of



religion The first boatloads of European settlers did not come to America advocating religious tolerance They came seeking the freedom to practice their own religion Other sects they believed were wrong at best and at worst not to be tolerated The question of what constitutes legitimate constitutionally protected religious practice has been debated ever since Does it include the use of peyote Polygamy Refusing medical care for a sick child Freedom of Religion follows the evolving understanding of the concept of religious freedom from Great Britain to the New World through hundreds of U S courtrooms to the volatile modern day issues of school prayer and faith based initiatives The thorough responsible and cool headed analysis presented here offers readers a solid grounding in the constitutional issues behind the headlines

**The Founding Fathers and the Place of Religion in America** Frank Lambert,2003 Publisher Description *Taking Religious Pluralism Seriously* Barbara A. McGraw,Jo Renee Formicola,2005 The clash between the religious right and the secular left undermines any serious debate about the role of religion in American public life Such strident cultural rhetoric often ignores the positive contributions of America s many religions By contrast this volume celebrates America s religious diversity demonstrating that religious pluralism is actually one of democracy s basic building blocks Taking Religious Pluralism Seriously expands on Barbara A McGraw s framework for understanding religious participation in public life a two tiered public forum consisting of the civic public forum and the conscientious public forum The chapters explore how diverse religious communities and traditions including newer and marginalized religions can make a meaningful contribution to American society and politics

**The Rehnquist Legacy** Craig Bradley,2006 This book is a legal biography of William Rehnquist of the U S Supreme Court

New Religious Movements and Religious Liberty in America Derek Davis,Barry Hankins,2003 New nontraditional religious movements are the most likely groups to offend mainstream culture and the least likely to have representatives in government to ensure that their liberty is protected These new religious movements are sometimes ostracized and subject to various forms of discrimination As America becomes increasingly pluralistic with more and more groups contributing to the nation s religious mosaic new religious movements may well play an increasing role in the course of religious liberty in America just as groups such as the Jehovah s Witnesses did formerly This book explores the problems and possibilities posed by new religious movements for religious liberty in America

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