

A sepia-toned portrait of George Sutherland, an older man with glasses and a mustache, wearing a suit and bow tie. The portrait is the background of the entire page.

# THE RETURN OF GEORGE SUTHERLAND

RESTORING A JURISPRUDENCE  
OF NATURAL RIGHTS

HADLEY ARKES

# Return Of George Sutherland Restoring

**Robert P. George**



## Return Of George Sutherland Restoring:

The Return of George Sutherland Hadley Arkes, 1997-04-22 From Amherst College Hadley Arkes seeks to restore for a new generation the jurisprudence of the late Justice of the Supreme Court George Sutherland anchored in the understanding of natural rights Arkes argues that if both liberals and conservatives would study the writings of George Sutherland with unclouded eyes both groups would set aside their differences and return to the moral ground of their jurisprudence

**Overruled** Damon Root, 2014-11-04 From Damon Root a senior editor of Reason magazine Overruled The Long War for Control of the U S Supreme Court is the most thorough account of the libertarian conservative debate over judicial review a valuable guide to both the past and the potential future of these important issues The Washington Post Should the Supreme Court defer to the will of the majority and uphold most democratically enacted laws Or does the Constitution empower the Supreme Court to protect a broad range of individual rights from the reach of lawmakers In this timely and provocative book Damon Root traces the long war over judicial activism and judicial restraint from its beginnings in the bloody age of slavery the Civil War and Reconstruction to its central role in today s blockbuster legal battles over gay rights gun control and health care reform It s a conflict that cuts across the political spectrum in surprising ways and makes for some unusual bedfellows Judicial deference is not only a touchstone of the Progressive left for example it is also a philosophy adopted by many members of the modern right But many libertarians have no patience with judicial restraint and little use for majority rule They want the courts and judges to police the other branches of government and expect Justices to strike down any state or federal law that infringes on their bold constitutional agenda of personal and economic freedom Overruled is the story of two competing visions each one with its own take on what role the government and the courts should play in our society a fundamental debate that goes to the very heart of our constitutional system

*Witnessing Their Faith* Jay Alan Sekulow, 2007-12-13 When it was ratified in 1791 the First Amendment to the Constitution of the United States sought to protect against two distinct types of government actions that interfere with religious liberty the establishment of a national religion and interference with individual rights to practice religion Since that time no question has so bedeviled the U S Supreme Court as finding the best way to interpret and apply the Establishment Clause and the Free Exercise Clause of the First Amendment In this unique and timely book Jay Sekulow examines not only the key cases and their historical context that have shaped the law concerning church state relations but also for the first time the impact of the religious faith and practices of Supreme Court Justices who have ruled in each case Covering cases from the teaching of religion in public schools and the use of federal funds for parochial schools to today s debates about the Pledge of Allegiance and public displays of the Ten Commandments Witnessing Their Faith is essential reading for anyone interested in the history and future of religious freedom in America

*First Principles* Scott Douglas Gerber, 1999 Clarence Thomas is one of the most vilified public figures of our day To date however his legal philosophy has received only cursory treatment First Principles

provides a portrait of Thomas based not on the justice's caricatured reputation but on his judicial opinions and votes, his scholarly writings and his public speeches. The paperback edition includes a provocative new Afterword by the author bringing the book up to date by assessing Justice Thomas's performance and the reaction to his decisions during the last five years.

**The Clash of Orthodoxies** Robert P. George, 2023-06-20 In *The Clash of Orthodoxies: Law, Religion, and Morality in Crisis* Robert George tackles the issues at the heart of the contemporary conflict of worldviews. Secular liberals typically suppose that their positions on morally charged issues of public policy are the fruit of pure reason, while those of their morally conservative opponents reflect an irrational religious faith. George shows that this supposition is wrong on both counts. Challenging liberalism's claim to represent the triumph of reason, George argues that on controversial issues like abortion, euthanasia, same-sex unions, civil rights, and liberties, and the place of religion in public life, traditional Judeo-Christian beliefs are rationally superior to secular liberal alternatives. *The Clash of Orthodoxies* is a profoundly important contribution to our contemporary national conversation about the proper role of religion in politics. The lucid and persuasive prose of Robert George, one of America's most prominent public intellectuals, will shock liberals out of an unwarranted complacency and provide powerful ammunition for embattled defenders of traditional morality.

Reform and Regulation of Property Rights, 1997

*Common-law Liberty* James Reist Stoner, 2003 In an era as morally confused as ours, Stoner argues we at least ought to know what we've abandoned or suppressed in the name of judicial activism and the modern rights-oriented Constitution. Having lost our way, perhaps the common law in its original sense provides a way back, a viable alternative to the debilitating relativism of our current age.

The Lochner Court, Myth and Reality Michael J. Phillips, 2000-11-30 Conventional wisdom holds that the Lochner Court illegitimately used the Constitution's due process clauses to strike down Progressive legislation designed to protect the poor and powerless against big business. This book systematically examines all of the U.S. Supreme Court's substantive due process cases from 1897 through 1937 and finds that they do not support long-held beliefs about the Lochner Court. The Court was more Progressive than commonly imagined, striking down far fewer laws on substantive due process grounds than is generally believed. The laws it overturned were not invariably social legislation, and relatively few due process cases involved freedom of contract. Moreover, Holmes, despite his reputation as a Great Dissenter, joined many of the cases striking down government action. The book attacks three familiar normative criticisms of the Lochner Court. It asserts that 1) the Court's substantive due process decisions almost certainly were not motivated by a conscious desire to assist business by suppressing social legislation; only sometimes did the justices' nostalgia for laissez-faire lead to this result; 2) the conservative justices' understanding of business and government often exceeded that found in the typical Brandeis Brief; and 3) most applications of Lochner-era substantive due process cannot readily be described as illegitimate assertions of judicial power lacking justification in the due process clauses.

The Tyranny of Good Intentions Paul Craig Roberts, Lawrence M. Stratton, 2008-03-25 In this updated and expanded edition of

The Tyranny of Good Intentions Paul Craig Roberts and Lawrence M Stratton renew their valiant campaign to reclaim that which is rightly ours liberty protected by the rule of law They show how crusading legislators and unfair prosecutors are remaking American law into a weapon wielded by the government and how the erosion of the legal principles we hold dear such as habeas corpus and the prohibition against self incrimination is destroying the presumption of innocence A new introduction and new chapters cover recent marquee cases and make this provocative book essential reading for anyone who cringes at the thought of unbridled state power and sees our civil liberties slowly slipping away in the name of the War on Drugs the War on Crime and the War on Terror

**Leaving the Bench** David Neal Atkinson,1999 Examining each of the nearly 100 men who have left the US Supreme Court explores their resignations and retirements from the lifetime tenure Considers the diverse circumstances under which they leave and clarifies why they often are reluctant to do so finding factors such as pensions party loyalty and personal pride Also relates physical ailments to mental faculties to explain how a justice s disability can affect Court decisions Annotation copyrighted by Book News Inc Portland OR

[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

*The American Founding* Daniel N. Robinson,Richard N. Williams,2012-06-28 America s Founding Fathers shared similar beliefs on the nature of civic life and the character of those supposed to be able to self govern Although they studied the failed republics of the ancient world they

believed that classical ideals were still applicable to politics This unique contribution to the literature on American Founding gathers leading thinkers who set out not to relate its history but its intellectual underpinnings They explore the Founding Fathers assumptions about civic life human nature political institutions private morality aesthetics education and history Chapters on natural law the Judeo Christian conception of human nature the influence of Aristotle and Cicero the symbolic role of architecture and the importance of education help understand the foundations that led to the Declaration of Independence and a constitutional charter that aimed to be universal in its human aspirations This authoritative work provides a conservative response to more liberal interpretations of America It will enrich the debate on civic life and be a key resource to anyone interested in America s experiment in ordered liberty

**The American State from the Civil War to the New Deal** Paul D. Moreno,2013-06-28 The story of the breakdown of limited government in America and the rise of the federal state

**Liberty of Contract** David N. Mayer,2011-01-16 Examines the history of the liberty of contract and shows how this right has been continuously diminished by court decisions and by our country s growing regulatory and welfare state

*The Lost World of Classical Legal Thought* William M. Wiecek,2001 This text examines the ideology of elite lawyers and judges from the Gilded Age to the New Deal Between 1866 and 1937 this coherent outlook or legal orthodoxy shaped the way the American bar interpreted and understood the law

*The Homevoter Hypothesis* William A. Fischel,2009-07-01 The link between homeownership and political involvement Fischel argues explains several puzzles such as why displacement of local taxation by state funds reduces school quality and why local governments are more efficient providers of environmental amenities He calls for decentralization of the fiscal and regulatory functions of government

*Making Minimum Wage*

Helen J. Knowles,2021-08-05 The US Supreme Court s 1937 decision in *West Coast Hotel v Parrish* upholding the constitutionality of Washington State s minimum wage law for women had monumental consequences for all American workers It also marked a major shift in the Court s response to President Franklin D Roosevelt s New Deal agenda In *Making Minimum Wage* Helen J Knowles tells the human story behind this historic case *West Coast Hotel v Parrish* pitted a Washington State hotel against a chambermaid Elsie Parrish who claimed that she was owed the state s minimum wage The hotel argued that under the concept of freedom of contract the US Constitution allowed it to pay its female workers whatever low wages they were willing to accept Knowles unpacks the legal complexities of the case while telling the litigants stories Drawing on archival and private materials including the unpublished memoir of Elsie s lawyer C B Conner Knowles exposes the profound courage and resolve of the former chambermaid Her book reveals why Elsie who in her mid thirties was already a grandmother was fired from her job at the Cascadian Hotel in Wenatchee and why she undertook the outsized risk of suing the hotel for back wages Minimum wage laws are not an academic question or even a legal one Elinore Morehouse Herrick the New York director of the National Labor Relations Board said in 1936 Rather they are a human problem A pioneering analysis that illuminates the life stories behind *West Coast Hotel v Parrish* as well as the case s impact on local state and

national levels Making Minimum Wage vividly demonstrates the fundamental truth of Morehouse Herrick's statement

**FDR's Folly** Jim Powell, 2007-12-18 The Great Depression and the New Deal For generations the collective American consciousness has believed that the former ruined the country and the latter saved it Endless praise has been heaped upon President Franklin Delano Roosevelt for masterfully reining in the Depression's destructive effects and propping up the country on his New Deal platform In fact FDR has achieved mythical status in American history and is considered to be along with Washington Jefferson and Lincoln one of the greatest presidents of all time But would the Great Depression have been so catastrophic had the New Deal never been implemented In FDR's Folly historian Jim Powell argues that it was in fact the New Deal itself with its shortsighted programs that deepened the Great Depression swelled the federal government and prevented the country from turning around quickly You'll discover in alarming detail how FDR's federal programs hurt America more than helped it with effects we still feel today including How Social Security actually increased unemployment How higher taxes undermined good businesses How new labor laws threw people out of work And much more This groundbreaking book pulls back the shroud of awe and the cloak of time enveloping FDR to prove convincingly how flawed his economic policies actually were despite his good intentions and the astounding intellect of his circle of advisers In today's turbulent domestic and global environment eerily similar to that of the 1930s it's more important than ever before to uncover and understand the truth of our history lest we be doomed to repeat it *The Evangelical Origins of the Living Constitution*

John W. Compton, 2014-03-10 John Compton shows how evangelicals not New Deal reformers paved the way for the most important constitutional developments of the twentieth century Their early 1800s crusade to destroy property that made immorality possible challenged founding era legal protections of slavery lotteries and liquor sales and opened the door to progressivism 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

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