

ORIGINALISM
in AMERICAN
LAW *and*
POLITICS

A
Constitutional
History



JOHNATHAN O'NEILL

Originalism In American Law And Politics

Jonathan Gienapp



Originalism In American Law And Politics:

Originalism in American Law and Politics Johnathan O'Neill, 2005-07-12 This book explains how the debate over originalism emerged from the interaction of constitutional theory U S Supreme Court decisions and American political development Refuting the contention that originalism is a recent concoction of political conservatives like Robert Bork Johnathan O'Neill asserts that recent appeals to the origin of the Constitution in Supreme Court decisions and commentary especially by Justices Antonin Scalia and Clarence Thomas continue an established pattern in American history Originalism in American Law and Politics is distinguished by its historical approach to the topic Drawing on constitutional commentary and treatises Supreme Court and lower federal court opinions congressional hearings and scholarly monographs O'Neill's work will be valuable to historians academic lawyers and political scientists

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In the Balance: Law and Politics on the Roberts Court Mark Tushnet, 2013-09-30 Examines the initial years of the Roberts Court covering the legal philosophies that have informed decisions on such major cases as the Affordable Care Act the political structures behind appointments and the struggle for dominance of the Court

Against Constitutional Originalism Jonathan Gienapp, 2024-09-03 A detailed and compelling examination of how the legal theory of originalism ignores and distorts the very constitutional history from which it derives interpretive authority Constitutional originalism stakes law to history The theory's core tenet that the U S Constitution should be interpreted according to its original meaning has us decide questions of modern constitutional law by consulting the distant constitutional past Yet originalist engagement with history is often deeply problematic And now that a majority of justices on the U S Supreme Court champion originalism the task of scrutinizing originalists' use and abuse of history has never been more urgent In this comprehensive and novel critique of originalism Jonathan Gienapp targets originalists' unspoken assumptions about the Constitution and its history Originalists are committed to recovering the Constitution laid down at the American Founding yet they often assume that the Constitution is fundamentally modern Rather than recovering the original Constitution they project their own understandings onto it assuming that eighteenth century constitutional thinking was no different than their own They take for granted what it meant to write a constitution down what law was how it worked and where it came from

and how a constitution's meaning was fixed. In the process they erase the Constitution that eighteenth century Americans in fact created. By understanding how originalism fails we can better understand the Constitution that we have.

Conservative Thought and American Constitutionalism since the New Deal Johnathan O'Neill, 2022-11-29 An intellectual history of American conservatism since the New Deal. The New Deal fundamentally changed the institutions of American constitutional government and in turn the relationship of Americans to their government. Johnathan O'Neill's *Conservative Thought and American Constitutionalism since the New Deal* examines how various types of conservative thinkers responded to this significant turning point in the second half of the twentieth century. O'Neill identifies four fundamental transformations engendered by 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 various schools of conservative thought—traditionalists, neoconservatives, libertarians, Straussians—responded to these major changes in American politics and culture. Conservatives frequently argued among themselves, and their responses to the New Deal ranged from adaptation to condemnation to political mobilization. Ultimately, the New Deal pulled American governance and society permanently leftward. Although some of the New Deal's liberal gains have been eroded, a true conservative counterrevolution was never. O'Neill argues a realistic possibility. He concludes with a plea for conservative thinkers to seriously reconsider the role of Congress, a body that is relatively ignored by conservative intellectuals in favor of the courts and the presidency in America's constitutional order.

Conservative Thought and American Constitutionalism since the New Deal explores the scope and significance of conservative constitutional analysis amid the broader field of American political thought.

Constitutional Politics in a Conservative Era Austin Sarat, 2008-05-05 Aims to bring together the work of leading scholars of Constitutionalism. Constitutional law and politics in the United States to take stock of the field, to chart its progress, and point the way for its future development.

Scalia Bruce Allen Murphy, 2015-06-30 A deeply researched portrait of the controversial Supreme Court justice covers his career, achievements, his appointment in 1986, and his resolve to support agendas from an ethical rather than political perspective.

The Cycles of Constitutional Time Jack M. Balkin, 2020-08-17 *The Cycles of Constitutional Time* shows where American democracy has been and projects where it is going. Jack Balkin explains why our politics seems so dysfunctional and why fights over the courts seem so bitter and unhinged. He portrays our present troubles in terms of longer constitutional trends. In doing so, he also offers a message of hope for the future. The same trends that put us in this predicament are slowly changing. Our political system can get better if Americans mobilize to change it.

Beyond Origins Angélica María Bernal, Angélica Reyna Bernal, 2017 *Beyond Origins* challenges the common view of foundings as singular, extraordinary moments of political origin and creation. Engaging with cases of founding across political traditions from classical Greece to contemporary Latin America, the book argues that it is only through pragmatist understandings of democratic origins that we can realize the potential for radical democratic change.

Beyond Origins Angélica Maria Bernal, 2017-06-30 *Beyond Origins* challenges the common view of foundings as singular extraordinary moments of political origin and creation Engaging with cases of founding across political traditions from classical Greece to contemporary Latin America the book argues that it is only through pragmatist understandings of democratic origins that we can realize the potential for radical democratic change **The Madisonian Constitution** George Thomas, 2008-08-01 Today we think of constitutional questions as being settled by the Supreme Court But that is not always the case nor is it what the framers intended in constructing the three branch federal government This volume examines four crucial moments in the United States political history the Civil War and Reconstruction the Progressive Era Franklin Delano Roosevelt s presidency and the New Deal and the Reagan revolution to illustrate the Madisonian view that the present rise of judicial supremacy actually runs counter to the Constitution as established at the nation s founding George Thomas opens by discussing how the Constitution encourages an antagonistic approach to settling disputes thereby preserving itself as the nation s fundamental law rather than ceding that role to the president Congress or Supreme Court In considering the four historical case studies he focuses on judicial interpretations and the political branches responses to them to demonstrate that competing conceptions of constitutional authority and meaning as well as intergovernmental disputes themselves rather than any specific outcome strengthen the nature of the nation s founding document as a political instrument Engagingly written and soundly argued this study clarifies and highlights the political origins of the nation s foundational document and argues that American constitutionalism is primarily about countervailing power not legal limits enforced by courts *Church, State, and Original Intent* Donald L. Drakeman, 2010 This provocative book shows how the justices of the United States Supreme Court have used constitutional history portraying the Framers actions in a light favoring their own views about how church and state should be separated Drakeman examines church state constitutional controversies from the Founding Era to the present arguing that the Framers originally intended the establishment clause only as a prohibition against a single national church Judges as Guardians of Constitutionalism and Human Rights Martin Scheinin, Helle Krunke, Marina Aksenova, 2016-04-29 There are many challenges that national and supranational judges have to face when fulfilling their roles as guardians of constitutionalism and human rights This book brings together academics and judges from different jurisdictions in an endeavour to uncover the intricacies of the judicial function The contributors discuss several points that each represent contemporary challenges to judging analysis of judicial balancing of conflicting considerations the nature of courts legitimacy and its alleged dependence on public support the role of judges in upholding constitutional values in the times of transition to democracy surveillance and the fight against terrorism and the role of international judges in guaranteeing globally recognized fundamental rights and freedoms This book will be of interest to human rights scholars focusing on the issues of judicial oversight as well as constitutional law scholars interested in comparative perspectives on the role of judges in different contexts It will also be useful to national constitutional court

judges and law clerks aiming to familiarise themselves with judicial practices within other jurisdictions

Controversies in Equal Protection Cases in America Anne Richardson Oakes, 2016-03-03 This collection engages with current issues on equal protection in the USA as seen from the perspectives of leading academics in this area Contributors with a range of perspectives interrogate the legal theoretical and factual assumptions which shape case law and consider the extent to which they satisfactorily address contemporary concerns with social hierarchies and norms Divided into five parts the study focusses on the connections between equal protection jurisprudence discrimination in its contemporary manifestations the implications of identity politics and the moral and political conceptualizations of equality that represent the parameters of debate Drawing on historical analysis and disciplinary insights of the social sciences the book bridges the gap between theory and practice The themes presented and analyses developed are among some of the most contentious currently in America and will be of interest not just to lawyers and legal academics but also to inter disciplinary social science researchers including sociologists economists and political scientists

The Justice of Contradictions Richard L. Hasen, 2018-03-20 Superbly written filled with brilliant insights Both liberals and conservatives will see Scalia and his legacy in a new and more illuminating light Adam Winkler author of *Gunfight The Battle Over the Right to Bear Arms in America* Engaging but caustic and openly ideological Antonin Scalia was among the most influential justices ever to serve on the United States Supreme Court In this fascinating new book legal scholar Richard L Hasen assesses Scalia s complex legacy as a conservative legal thinker and disruptive public intellectual The left saw Scalia as an unscrupulous foe who amplified his judicial role with scathing dissents and outrageous public comments The right viewed him as a rare principled justice committed to neutral tools of constitutional and statutory interpretation Hasen provides a more nuanced perspective demonstrating how Scalia was crucial to reshaping jurisprudence on issues from abortion to gun rights to separation of powers A jumble of contradictions Scalia promised neutral tools to legitimize the Supreme Court but his jurisprudence and confrontational style moved the Court to the right alienated potential allies and helped to delegitimize the institution he was trying to save Absorbing a book that at least for this reader shed new light on the law and how it is made interpreted and applied Los Angeles Review of Books

Fragmented Citizens Stephen M. Engel, 2016-05-24 The landmark Supreme Court decision in June 2015 legalizing the right to same sex marriage marked a major victory in gay and lesbian rights in the United States Once subject to a patchwork of laws granting legal status to same sex couples in some states and not others gay and lesbian Americans now enjoy full legal status for their marriages wherever they travel or reside in the country For many this means that gay and lesbian citizens are one step closer to full equality with the rest of America However author Stephen M Engel contends that there remains much to be done in shaping American institutions to recognize gays and lesbians as full citizens Tracing the relationship between gay and lesbian individuals and the government from the late 19th century through the early 21st Engel shows that LGBT Americans are more accurately described as fragmented citizens who

still do not have full legal protections against workplace housing family and other kinds of discrimination There remains a continuing struggle of the state to control their sexuality Further he argues that it was the state s ability to identify and control gay and lesbian citizens that allowed it to develop strong administrative capacities to manage all of its citizens in matters of immigration labor relations and even national security The struggle for gay and lesbian rights then affected not only the lives of those seeking equality but also the very nature of American governance itself *Fragmented Citizens* is a sweeping historical and political account of how our present day policy debates around citizenship and equality came to be Adapted from dust jacket

The “Stench” of Politics Joseph Russomanno,2022-11-08 The U S Supreme Court is as important as ever in the lives of Americans Contrary to the image enhancing claims of independence that many of its members claim however the Court s current supermajority has transformed it into a powerful political institution that wages ideological war meant to return the nation to a previous period at the same time denying rights to millions *The Stench of Politics Polarization and Worldview on the Supreme Court* opens a window into the Supreme Court that helps us to understand the institution and its rulings At the heart of this analysis is worldview a phenomenon that every person including Supreme Court justices possesses Whether someone s worldview is fixed or fluid affects who they are what they believe and what they do In addition interpreting the Constitution as an originalist or living constitutionalist often dictates case outcomes By applying these and other constructs to the Supreme Court the book reveals how the once revered institution has evolved into one whose majority not only has neglected its commitment to the inscription on its own building Equal Justice Under Law but is also determined to remake both the law and the nation

The Supreme Court Peter Charles Hoffer,Williamjames Hoffer,N. E. H. Hull,2007 For more than two centuries the U S Supreme Court has provided a battleground for nearly every controversial issue in our nations history This veteran team of talented historians produces the most readable astute and up to date single volume history of this venerated institution

The Blessings of Liberty Michael Les Benedict,2022-07-11 This concise accessible text provides students with a history of American constitutional development in the context of political economic and social change Constitutional historian Michael Benedict stresses the role that the American people have played over time in defining the powers of government and the rights of individuals and minorities He covers important trends and events in U S constitutional history encompassing key Supreme Court and lower court cases The volume begins by discussing the English and colonial origins of American constitutionalism Following an analysis of the American Revolution s meaning to constitutional history the text traces the Constitution s evolution from the Early Republic to the present day This fourth edition is updated to include the 2016 election the Trump administration the 2020 election and the first activities of the Biden administration

Originalism as Faith Eric J. Segall,2018-10-18 *Originalism as Faith* presents a comprehensive history of the originalism debates It shows how the doctrine is rarely used by the Supreme Court but is employed by academics pundits and judges to maintain the mistaken faith that the Court decides cases under the law instead

of the Justices personal values Tracing the development of the doctrine from the founding to present day Eric J Segall shows how originalism is used by judges as a pretext for reaching politically desirable results The book also presents an accurate description and evaluation of the late Justice Scalia s jurisprudence and shows how he failed to practice the originalism method that he preached This illuminating work will be of interest to lawyers law students undergraduates studying the Court law professors and anyone else interested in an honest discussion and evaluation of originalism as a theory of constitutional interpretation a political weapon and an article of faith

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web sep 5 2022 list of office supplies needed by the employee the date on which the supplies are being requested for how long do the supplies are needed to be acquired the total quantity of every office supply use of template for making a request the template is a very convenient tool to enable people to make a request seamlessly

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web apr 2 2021 subject requesting purchase of equipment respected sir madam most humbly my name is name and i am working in department as designation for last duration months years

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web this office supplies request template has 1 pages and is a ms excel file type listed under our business plan kit documents sample of our office supplies request template this form enables employees to formally request office supplies quantity

description price and date needed can be specified

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web request letter to head office for office supplies purchasing of office supplies office name company name subject office supplies requirement dear sir the following supplies are urgently needed in our new office and these supplies will

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web mar 22 2022 date date subject requesting approval for purchase of office items dear sir madam on behalf of department i am writing this letter to bring to your attention that we have a shortage of office items and we require those items in order to work efficiently

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web sample of request letter for equipment and supplies for new office to whom it may concern have a great day i would like to inform you that we re requesting for the equipment that we need in office i will go to prepare most of the necessary papers that you will need in buying equipments

request letter to manager for office supplies writeletter2 com - Jun 14 2023

web oct 20 2020 download 2 subject request for office supplies dear manager my name is johnson and i am working as a storekeeper in your company through this letter i want to inform you about the current situation of our company inventory which indicates that we are running short of many office items

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web requisition letter for office equipment want to request the purchase of office equipment furniture and other office items we are providing you with example request letters to ask for the purchase and replacement of office equipment furniture and other office items

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web jun 24 2021 for example if your boss has allowed you to request equipment you can write this letter furthermore you can also write this letter when you want to ask your client to invest in the necessary tools to get a particular job done consider the tone of the letter

i want to write to my admin officer requesting office supplies pls - May 01 2022

web to the chief admin officer mr abubakar cld letter of request good day sir please the following items are urgently needed for the daily activities in the tisc technology and innovation support center 1 register 2 two rims of a4 paper 3 office printer 4 office files 5 stapler glue perforator 6 black pens pins 7 notice board

sample request letter for supply of goods semioffice com - Oct 06 2022

web sample request letter for supply of goods format of sample request letter for supply of goods to the supplier distributor

manufacturer on cash or credit delivery this letter is used in businesses to exchange goods order goods for delivery in retail stores franchisees dealers showrooms etc you can also check the request letter for the

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web apr 26 2019 write a letter to potential donors requesting supplies that is professional but makes a personal connection to the recipient emphasize the good work of the organization and how it will use the requested supplies

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web request letters request letter format and samples a request letter is a document written to ask for a service product information favor or permission it is a formal letter and should be drafted in a polite and professional manner additionally it should be short precise and to the point

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sample requisition letter format for office equipment - Sep 05 2022

web sample requisition letter format for office equipment below briefly describe sample requisition letter for the purchase of office equipment like tables chair ups mouse printer scanner copier led multimedia projector speakers remote etc you can modify these formats as your requirement date authority name

request email sample for office supplies how to write an effective message - Apr 12 2023

web jun 28 2023 dear receiver s name i am writing to request quantity and type of supplies needed for my office located at office address as you move further into the email it s essential to explain why you need the supplies be specific about what tasks or projects they will be used for and the importance of completing these tasks