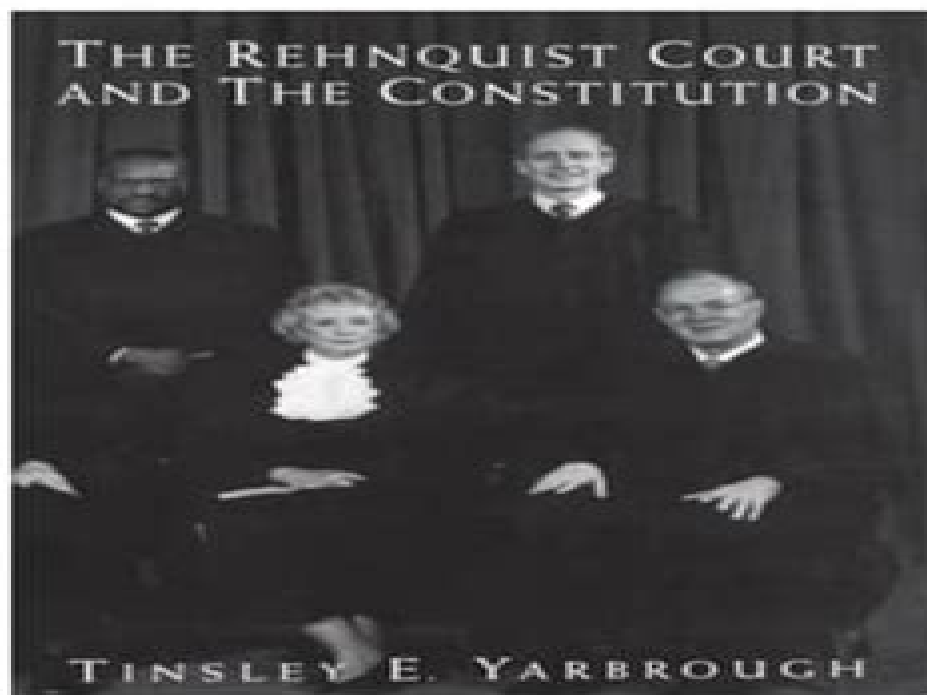


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# Rehnquist Court And The Constitution

**Dale A. Carpenter, University of  
Minnesota. Law School, University of  
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## **Rehnquist Court And The Constitution:**

**The Rehnquist Court and the Constitution** Tinsley E. Yarbrough, 2000 Thoughtful wide ranging and intelligently written this volume is an insightful look at the Rehnquist Court and its impact on law and American life *The Rehnquist Court* Martin H. Belsky, 2002 In 1986 the Supreme Court's leading conservative William H. Rehnquist was made Chief Justice. Almost immediately legal scholars, practitioners and pundits began questioning what his influence would be and whether he would remake US constitutional corpus in his own image. This collected volume gathers together a distinguished group of scholars, journalists, judges and practitioners to reflect on the fifteen year impact of the Rehnquist Court. **The Supreme Court, the Constitution, and William Rehnquist** Steven T. Seitz, 2020-07-07 The Founding Fathers wrote the Constitution at a level sufficiently general to guide lawmaking while avoiding great detail. This four page document has guided the United States of America for more than two centuries. The Supreme Court has parsed the document into clauses which plaintiffs and defendants invoke in cases or controversies before the Court. Some like the Interstate Commerce Clause are central to the survival of a government of multiple sovereignties. The practice of observing case precedents allows orderly development of the law and consistent direction to the lower courts. The Court itself claimed the final power of judicial review despite efforts to the contrary by the executive and legislative branches of the national government and the state supreme courts. The Court then limited its own awesome power through a series of self imposed rules of justiciability. These rules set the conditions under which the Court may exercise the extraordinary final power of judicial review. Some of these self imposed limits are prudential, some logical and some inviting periodic revision. This book examines the detailed unfolding of several Constitutional clauses and the rules of justiciability. For each clause and each rule of justiciability the book begins with the brilliant foundations laid by Chief Justice John Marshall, then to the anti Federalist era, the Civil War, the dominance of laissez faire and social Darwinism, the Great Depression, redirection, the civil rights era and finally the often hapless efforts of Chief Justice Rehnquist. **Justice Rehnquist and the Constitution** Sue Davis, 2014-07-14 This analysis of the decision making of William H. Rehnquist from the beginning of his tenure as an Associate Justice of the United States Supreme Court in 1971 until he was nominated to be Chief Justice in 1986 presents a refreshing new perspective on the Burger Court's most conservative member. The common assessment of Rehnquist's career on the Supreme Court is that he has tried to put his own political agenda into effect, deciding as he wishes and justifying it later. Davis disputes that view through careful insightful analysis of his opinions, his votes and his public speeches. She argues that Rehnquist does indeed have a judicial philosophy, one that has legal positivism at its core. By examining the interaction between the facets of that judicial philosophy and Rehnquist's particular ordering of values, Davis reveals the coherence of his decision making. The author finds that Rehnquist's hierarchy of values gives paramount importance to state autonomy or the new federalism. He sees the protection of private property as secondary to the significance of federalism, followed finally by the protection of individual

rights Originally published in 1989 The Princeton Legacy Library uses the latest print on demand technology to again make available previously out of print books from the distinguished backlist of Princeton University Press These editions preserve the original texts of these important books while presenting them in durable paperback and hardcover editions The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905

**A Court Divided** Mark V. Tushnet, 2005 In this authoritative reckoning with the eighteen year record of the Rehnquist Court Georgetown law professor Mark Tushnet reveals how the decisions of nine deeply divided justices have left the future of the Court and the nation hanging in the balance Many have assumed that the chasm on the Court has been between its liberals and its conservatives In reality the division was between those in tune with the modern post Reagan Republican Party and those who though considered to be in the Court's center represent an older Republican tradition As a result the Court has modestly promoted the agenda of today's economic conservatives but has regularly defeated the agenda of social issues conservatives while paving the way for more radically conservative path in the future

**The Supreme Court** William H. Rehnquist, 2007-12-18 The sixteenth Chief Justice William H Rehnquist's classic book offers a lively and accessible history of the Supreme Court Chief Justice Rehnquist's engaging writing illuminates both the high and low points in the Court's history from Chief Justice Marshall's dominance of the Court during the early nineteenth century through the landmark decisions of the Warren Court Citing cases such as the Dred Scott decision and Roosevelt's Court packing plan Rehnquist makes clear that the Court does not operate in a vacuum that the justices are unavoidably influenced by their surroundings and that their decisions have real and lasting impacts on our society The public often hears little about the Supreme Court until decisions are handed down Here Rehnquist reveals its inner workings the process by which cases are chosen the nature of the conferences where decisions are made and the type of debates that take place With grace and wit this incisive history gives a dynamic and informative account of the most powerful court in the nation and how it has shaped the direction America has taken

**The Constitution in the Rehnquist Court** Dale A. Carpenter, University of Minnesota. Law School, University of Minnesota. Summer Program of Continuing Legal Education, United States. Supreme Court, 2005

All the Laws but One William H. Rehnquist, 2007-12-18 William H Rehnquist Chief Justice of the United States provides an insightful and fascinating account of the history of civil liberties during wartime and illuminates the cases where presidents have suspended the law in the name of national security A highly original account of the proper role of the Supreme Court a role that makes most sense in times of war but that has its attractions whenever the Court is embroiled in great social controversies The New Republic Abraham Lincoln champion of freedom and the rights of man suspended the writ of habeas corpus early in the Civil War later in the war he also imposed limits upon freedom of speech and the press and demanded that political criminals be tried in military courts During World War II the government forced 100 000 U S residents of Japanese descent including many citizens into detainment camps

Through these and other incidents Chief Justice Rehnquist brilliantly probes the issues at stake in the balance between the national interest and personal freedoms. With *All the Laws but One* he significantly enlarges our understanding of how the Supreme Court has interpreted the Constitution during past periods of national crisis and draws guidelines for how it should do so in the future.

*The Rehnquist Court* Martin H. Belsky, 2002-04-04 In 1986 the Supreme Court's leading conservative William H. Rehnquist, labeled by Newsweek as "The Court's Mr. Right," was made Chief Justice. Almost immediately legal scholars, practitioners, and pundits began questioning what his influence would be and whether he would remake our constitutional corpus in his own image. Would the center hold or fold? This collected volume, edited by Martin H. Belsky, is the third in a series which includes *The Warren Court* and *The Burger Court*, both edited by Bernard Schwartz. It gathers together a distinguished group of scholars, journalists, judges, and practitioners to reflect on the fifteen-year impact of the Rehnquist Court. The work provides an overview of the Rehnquist Court's influence to date, examines in detail the seminal issues confronted by the Court, and places the Court in broad historical perspective. Subjects discussed include First Amendment rights and cyberspace, criminal justice reform, the Court's pattern of constitutional interpretation, the international impact of the Rehnquist Court, and the Supreme Court's increasing interaction with state constitutional law. A comprehensive look at the significant shifts in constitutional jurisprudence under Rehnquist's leadership, this volume illustrates how the Rehnquist Court has brought us almost full circle from the judge-made revolution of the Warren Court. A must-have for all students of the Court and legal history, this book contains fascinating insights into one of the century's most controversial courts and a legacy still in the making.

*The Rehnquist Court* David L. Hudson, 2007 For nearly 20 years William Hubbs Rehnquist served as the 16th Chief Justice of the United States Supreme Court. During these two decades the Court issued major decisions involving federalism, abortion, affirmative action, civil rights, privacy, and the 2000 presidential election. Throughout his tenure Justice Rehnquist was conventionally perceived as a conservative, partly for the anti-civil rights memos he had written earlier in his career. He became a lightning rod for controversy during his confirmation hearings in 1972 for Associate Justice and again in 1986 when he became Chief Justice. Surprisingly, however, Hudson's balanced, nonpartisan examination of the Rehnquist Court and its personalities shows that Rehnquist's conservatism is quite mild compared to that of the ideological purity of Justices Clarence Thomas and Antonin Scalia, and that Rehnquist did an admirable job of playing moderator as Chief Justice, exhibiting sensitivity toward his colleagues.

*The Constitution in the Rehnquist Court and Beyond* Dale A. Carpenter, University of Minnesota. Law School, University of Minnesota. Summer Program of Continuing Legal Education, 2007

*The Supreme Court* Peter Charles Hoffer, William James Hull Hoffer, N. E. H. Hull, 2018-08-28 For more than two centuries the U.S. Supreme Court has provided a battleground for nearly every controversial issue in our nation's history. Now a veteran team of talented historians, including the editors of the acclaimed *Landmark Law Cases and American Society* series, have updated the most readable, astute single-volume history of this venerated institution with a new

chapter on the Roberts Court The Supreme Court chronicles an institution that dramatically evolved from six men meeting in borrowed quarters to the most closely watched tribunal in the world Underscoring the close connection between law and politics the authors highlight essential issues cases and decisions within the context of the times in which the decisions were handed down Deftly combining doctrine and judicial biography with case law they demonstrate how the justices have shaped the law and how the law that the Court makes has shaped our nation with an emphasis on how the Court responded or failed to respond to the plight of the underdog Each chapter covers the Court's years under a specific Chief Justice focusing on cases that are the most reflective of the way the Court saw the law and the world and that had the most impact on the lives of ordinary Americans Throughout the authors reveal how in times of war class strife or moral revolution the Court sometimes voiced the conscience of the nation and sometimes seemed to lose its moral compass Their extensive quotes from the Court's opinions and dissents illuminate its inner workings as well as the personalities and beliefs of the justices and the often contentious relationships among them Fair minded and sharply insightful The Supreme Court portrays an institution defined by eloquent and pedestrian decisions and by justices ranging from brilliant and wise to slow witted and expedient An epic and essential story it illuminates the Court's role in our lives and its place in our history in a manner as engaging for general readers as it is rigorous for scholars

**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

*Rehnquist Justice* Earl M. Maltz, 2003 With seven of its justices appointed by Republican presidents today's Supreme Court has significantly altered America's legal landscape since 1986 by tilting constitutional jurisprudence to the right That was the goal of Presidents Reagan and Bush in filling court vacancies and has been felt in cases related to federalism economic rights and affirmative action However liberal issues such as abortion have moved only marginally to the right while rulings by the Court on school prayer and gay rights have moved constitutional doctrine slightly to the left In this collection of original articles prominent constitutional scholars are joined by new voices from the cutting edge of academia to subject the Rehnquist Court to closer scrutiny and to show that its brand of conservatism is less extreme than many have supposed Reflecting views across the political spectrum the contributors help readers understand the Court dynamic its constrained conservatism and the forces that shape constitutional law in general As these authors show the overall pattern of decision

making in the Rehnquist era cannot be attributed to any single unified approach to constitutional analysis. Instead, today's Court can only be understood as the product of a complex interaction among individual justices, each with an idiosyncratic view of the proper interpretation of the Constitution and the role of the Court in the American political system. These provocative essays are designed to provide readers with insight into this interaction by focusing on each member of the bench. From the staunch conservatism of Clarence Thomas to the accommodationism of Sandra Day O'Connor to the liberal constitutionalism of David Souter, the essays analyze the unique approach of each justice to interpreting the Constitution. They also show that the current justices are the product of a nomination and confirmation process that has undergone a major transformation in recent decades, one which favors experienced, often unknown jurists over high-profile public servants. By concentrating attention on its members, Rehnquist Justice allows us to better understand the Supreme Court as a whole. And by assessing today's judiciary in light of a public philosophy that looks askance at government, it shows us that the Supreme Court has truly become a mirror of its times.

**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.

**The Warren Court** Melvin I. Urofsky, 2001-03-06. A survey and analysis of the historical context, key figures, and lasting legacy of the Warren Court. Earl Warren served as chief justice of the U.S. Supreme Court from 1953 until the end of the tumultuous 1960s. This book shows why conservative critics still view this court as out of control and leftist, while its liberal fans still cheer what they view as the court's progressive activism. Among this court's contributions to American life are the rights accorded to the accused in *Miranda v. Arizona*, the limits it placed on school prayer, and the

abolition of school segregation in *Brown v Board of Education* To understand such basic American principles as equal protection freedom of speech freedom of the press freedom of religion separation of church and state the rights of the accused and the right to privacy every citizen should understand the Warren Court **American Constitutional History:**

**A Brief Introduction** Jack Fruchtman, 2016-03-21 American Constitutional History presents a concise introduction to the constitutional developments that have taken place over the past 225 years treating trends from history law and political science Presents readers with a brief and accessible introduction to more than two centuries of U S constitutional history Explores constitutional history chronologically breaking U S history into five distinct periods Reveals the full sweep of constitutional changes through a focus on issues relating to economic developments civil rights and civil liberties and executive power Reflects the evolution of constitutional changes all the way up to the conclusion of the June 2015 Supreme Court term The Oxford Guide to the United States Government John J. Patrick, Richard M. Pious, Donald A.

Ritchie, 2001-07-04 The Oxford Guide to the United States Government is the ultimate resource for authoritative information on the U S Presidency Congress and Supreme Court Compiled by three top scholars its pages brim with the key figures events and structures that have animated U S government for more than 200 years In addition to coverage of the 2000 Presidential race and election this Guide features biographies of all the Presidents Vice Presidents and Supreme Court Justices as well as notable members of Congress including current leadership historical commentary on past elections major Presidential decisions international and domestic programs and the key advisors and agencies of the executive branch in depth analysis of Congressional leadership and committees agencies and staff and historic legislation and detailed discussions of 100 landmark Supreme Court cases and the major issues facing the Court today In addition to entries that define legal terms and phrases and others that elaborate on the wide array of government traditions this invaluable book includes extensive back matter including tables of Presidential election results lists of Presidents Vice Presidents Congresses and Supreme Court Justices with dates of service lists of Presidential museums libraries and historic sites relevant websites and information on visiting the White House the Capitol and Supreme Court buildings A one stop comprehensive guide that will assist students educators and anyone curious about the inner workings of government The Oxford Guide to the United States Government will be a valued addition to any home library **The Supreme Court** Robert Langran, 2004 This

essential historical overview begins by noting that the Supreme Court is arguably the least known and understood of the three branches of government Robert W Langran s innovative approach will do much to provide students with a good understanding of the changing role and accomplishments of the Court from its inception to its latest decisions This book discusses the most important decisions of the Court in chronological rather than topical order illustrating how the cases fit into an historical timeframe as well as what roles the most influential justices played In an easy conversational style Robert W Langran discusses how the Court was formed how justices are selected how the Court selects its cases and the broad



shifts of the Court with regard to doctrine and attention to the popular and governmental interests of each period. Students gain important insights into why each Court voted the way it did and how those decisions influenced the votes of future Courts. The Supreme Court, an excellent supplementary text for undergraduate classes in American government and American history as well as introductory classes in political science, contains useful appendixes listing all justices and all cases discussed.

**The Lost History of the Ninth Amendment** Kurt T. Lash, 2009-03-27

The Ninth Amendment has had a remarkably robust history, playing a role in almost every significant constitutional debate in American history, including the controversy over the Alien and Sedition Acts, the struggle over slavery, and the constitutionality of the New Deal. Until very recently, however, this history has been almost completely lost due to a combination of historical accident, mistaken assumptions, and misplaced historical documents. Drawing upon a wide range of primary sources, most never before included in any book on the Ninth Amendment or the Bill of Rights, Kurt T. Lash recovers the lost history of the Ninth Amendment and explores how its original understanding can be applied to protect the people's retained rights today. The most important aspect of *The Lost History of the Ninth Amendment* is its presentation of newly uncovered historical evidence which calls into question the currently presumed meaning and application of the Ninth Amendment. The evidence not only challenges the traditional view regarding the original meaning of the Ninth Amendment, it also falsifies the common assumption that the Amendment lay dormant prior to the Supreme Court's discovery of the clause in *Griswold v. Connecticut*. As a history of the Ninth Amendment, the book recapitulates the history of federalism in America and the idea that local self-government is a right retained by the people. This issue has particular contemporary salience as the Supreme Court considers whether states have the right to authorize medicinal use of marijuana, refuse to assist the enforcement of national laws like the Patriot Act, or regulate physician-assisted suicide. The meaning of the Ninth Amendment has played a key role in past Senate confirmation hearings for Supreme Court justices, and the current divide on the Court regarding the meaning of the Ninth Amendment makes it likely the subject will come up again during the next set of hearings.

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