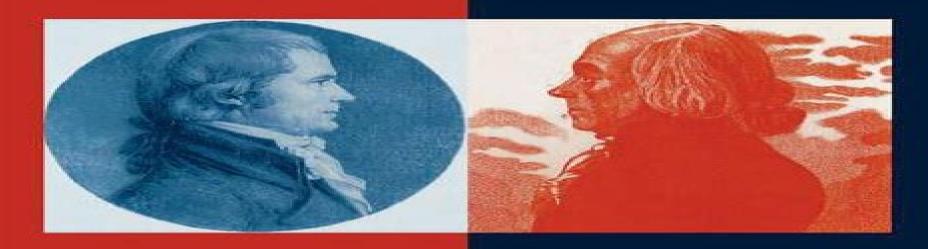
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Popular Sovereignty, Natural Law, and the United States Constitution

Guy Padula

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Madison V. Marshall Guy Padula, 2002-03-01 Popular Sovereignty or Natural Law At a time of constitutional crisis in the American body politic Guy Padula s timely and stimulating new work explores whether the answers to today s heated political debate can be found by scrutinizing the past In Madison v Marshall Padula turns the spotlight on the interpretive intent of America's Founding Fathers to discover if the consent of the people or the rule of justice triumphs Comparing the constitutional theories of the Founding generation s two preeminent constitutional authorities Padula shatters the Originalist myth that Madison and Marshall shared a compatible constitutional jurisprudence He concludes that the meaning of the Constitution has been contested from the outset This is essential reading for legal scholars political scientists and historians seeking to learn more about the fundamental nature of U S law and how it should be interpreted **Jurisprudence in the Early American Republic** Phillip I. Blumberg, 2010-09-30 This volume seeks to explain how American society which had been capable of noble aspirations such as those in the Declaration of Independence and the Constitution was capable of adopting one of the most widely deplored statutes of our history the Sedition Act of 1798 It examines how the political ideals of the American Revolution were undermined by the adoption of repressive doctrines of the English monarchial system the criminalization of criticism against the king the Parliament the judiciary and Christianity Freedom of speech was dramatically confined and this law remained unchallenged until well into the twentieth century This book will be of keen interest to all concerned with the early Republic freedom of speech and evolution of American constitutional jurisprudence Because it addresses the much criticized Sedition Act of 1798 one of the most dramatic illustrations of this repressive jurisprudence the book will also be of interest to Americans concerned about preserving free speech in wartime Colorblind Racial Profiling Guy Padula, 2018-06-14 Colorblind Racial Profiling outlines the history of racial profiling practices and policies in the United States from 1974 to the present day Drawing on a wide variety of sources including case law newspaper and television reporting government reports and police manuals author Guy Padula traces how institutionalized racial profiling spread across the nation and analyzes how the United States Supreme Court sanctioned the practice Insightful and accessible Colorblind Racial Profiling is essential reading for all those interested in the history of racial profiling and criminal justice in the United States
Powers Reserved for the People and the States Jay S. Bybee, A. Christo Bryant, Thomas B. McAffee, 2006-08-30 American judges and legal scholars have long misunderstood the intended meaning of the Ninth Amendment and its relationship to the Tenth Because of misinterpretation the Ninth and Tenth Amendments have not been used to fulfill their original purposes. The limited and unlimited powers of the federal government have been shaped greatly by that error In this book the authors clarify the actual meaning of the Ninth Amendment and its connection to the Tenth Amendment in order to provide a clear understanding of the full potential of the two amendments Historical and contemporary details are included to provide an appreciation of the intended purpose of the

amendments Frontier Democracy Silvana R. Siddali, 2016 Frontier Democracy examines the debates over state constitutions in the antebellum Northwest Indiana Illinois Iowa Michigan Minnesota Ohio and Wisconsin from the 1820s through the 1850s This is a book about conversations in particular the fights and negotiations over the core ideals in the constitutions that brought these frontier communities to life Silvana R Siddali argues that the Northwestern debates over representation and citizenship reveal two profound commitments the first to fair deliberation and the second to ethical principles based on republicanism Christianity and science Some of these ideas succeeded brilliantly within forty years the region became an economic and demographic success story However some failed tragically racial hatred prevailed everywhere in the region in spite of reformers passionate arguments for justice and resulted in disfranchisement and even exclusion for non white Northwesterners that lasted for generations The Increasingly United States Daniel J. Hopkins, 2018-05-30 In a campaign for state or local office these days you re as likely today to hear accusations that an opponent advanced Obamacare or supported Donald Trump as you are to hear about issues affecting the state or local community This is because American political behavior has become substantially more nationalized American voters are far more engaged with and knowledgeable about what s happening in Washington DC than in similar messages whether they are in the South the Northeast or the Midwest Gone are the days when all politics was local With The Increasingly United States Daniel J Hopkins explores this trend and its implications for the American political system The change is significant in part because it works against a key rationale of America's federalist system which was built on the assumption that citizens would be more strongly attached to their states and localities It also has profound implications for how voters are represented If voters are well informed about state politics for example the governor has an incentive to deliver what voters or at least a pivotal segment of them want But if voters are likely to back the same party in gubernatorial as in presidential elections irrespective of the governor's actions in office governors may instead come to see their ambitions as tethered more closely to their status in the national party Public Administration & Public Management Jan-Erik Lane, 2006-08-21 A perspective on the public sector that presents a concise and comprehensive analysis of exactly what it is and how it operates Governments in any society deliver a large number of services and goods to their populations To get the job done they need public management in order to steer resources employees money and laws into policy outputs and outcomes In well ordered societies the teams who work for the state work under a rule of law framework known as public administration This book covers the key issues of the principal agent framework and the public sector public principals and their agents the economic reasons of government public organization incentives and rationality in government the essence of public administration legality and the rule of law public policy criteria the Cambridge and Chicago positions public teams and private teams public firms public insurance public management policy Public Administration Public Management is essential reading for those with professional and research interests in public administration and public management **Originalism's Promise** Lee J.

Strang, 2019-08-08 Provides the first natural law justification for an originalist interpretation of the American Constitution **The Constitutional Convention of 1787** John R. Vile, 2005-06-24 The first encyclopedic treatment of the personalities politics and events involved in drafting the U S Constitution This comprehensive treatment of all the personalities philosophies debates and compromises involved in drafting the U S Constitution is the first encyclopedic work on the subject compiling information into an easily accessible A Z format Biographies of all 55 delegates analysis of the competing political viewpoints procedural and substantive disputes along with a host of other details are all presented here Both the detail and the scholarship in this book are unmatched in any other work the encyclopedic presentation simply does not exist elsewhere Civil liberties the scope of authority of the three branches of government and other constitutional matters are increasingly at the forefront of public discussion Scholars citizens interested in self education and reference librarians faced with questions about the Constitution will find in this book all they require to answer their needs Regierungssystem der USA Wolfgang Jäger, Christoph M. Haas, Wolfgang Welz, 2007-07-01 Der nunmehr in dritter Auflage erscheinende Band ist als eine wissenschaftlich systematische Einf hrung in das Regierungssystem der USA konzipiert Er macht die besonderen Bedingungen des innen und au enpolitischen Prozesses in den Vereinigten Staaten von Amerika fr seine Leserinnen und Leser verst ndlich Im Vordergrund der Betrachtungen stehen die Verfassungsordnung und die politischen Institutionen sowie die sie tragenden und beeinflussenden Kr fte **The Trials of Academe** Amy Gajda, 2010-02-15 Once upon a time virtually no one in the academy thought to sue over campus disputes and if they dared judges bounced the case on grounds that it was no business of the courts Not so today As Amy Gajda shows in this witty yet troubling book litigation is now common on campus and perhaps even more commonly feared This book explores the origins and causes of the litigation trend its

Constitutional Justice Under Old Constitutions Elvind Smith,1995-09-27 Constitutional Justice under Old Constitutions confronts different national experiences within the framework of a common subject matter viz questions arising from the application of old constitutional texts within one system or another of judicial review Every chapter presents valuable materials and reflections for further exploration on a comparative as well as a national basis The countries covered are the United States Norway Belgium and France all countries having an old constitution The following questions are dealt with the emergence of judicial review of national legislation the interpretation of old constitutional texts complementary sources to old constitutional texts the application of old constitutions in modern societies the legitimacy of judicial review of legislation European Constitutional Imaginaries Jan Komárek,2023-02-07 This is an open access title available under the terms of a CC BY NC ND 4 0 International licence It is free to read on the Oxford Academic platform and offered as a free PDF download from OUP and selected open access locations How can the EU be made legitimate and sustainable through constitutional law and what is the role of constitutional lawyers and their ideas in creating this sense of legitimacy This book

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seeks to answer these questions through the concept of the constitutional imaginary sets of ideas and beliefs that motivate and justify the practice of government and collective self rule Constitutional imaginaries are as important as institutions and office holders as they provide political action with an overarching sense and purpose recognized as legitimate by those governed Constitutional imaginaries are necessary fictions that make political rule possible and at the same time they are ideologies which hide from view various forms of domination European Constitutional Imaginaries deals with a variety of questions and is split into four parts to address the first part explores in more detail various meanings of European constitutional imaginary as seen by different disciplines legal sociology political and constitutional theory and philosophy The second part revisits the contribution of some key authors to the creation of European constitutional imaginaries and the third part offers various new ways of thinking about European constitutionalism The fourth and final part examines political economy behind various constitutional imaginaries Written by a balanced mix of well established authors and newer talent European Constitutional Imaginaries promises to open debates on European constitutionalism that are necessary to understanding Europe's present predicament and its various crises all navigated through the medium of law Regulatory **Rights** Larry Yackle, 2008-09-15 We often hear with particular frequency during recent Supreme Court nomination hearings that justices should not create constitutional rights but should instead enforce the rights that the Constitution enshrines In Regulatory Rights Larry Yackle sets out to convince readers that such arguments fundamentally misconceive both the work that justices do and the character of the American Constitution in whose name they do it It matters who sits on the Supreme Court he argues precisely because justices do create individual constitutional rights Traversing a wide range of Supreme Court decisions that established crucial precedents about racial discrimination the death penalty and sexual freedom Yackle contends that the rights we enjoy are neither more nor less than what the justices choose to make of them Regulatory Rights is a bracing read that will be heatedly debated by all those interested in constitutional law and the judiciary Forthcoming Books Rose Arny, 2002 Taming Globalization Julian Ku, John Yoo, 2012-03-26 In 1997 a Mexican national named Jose Ernesto Medellin was sentenced to death for raping and murdering two teenage girls in Texas In 2004 the International Court of Justice ruled that he was entitled to appellate review of his sentence since the arresting officers had not informed him of his right to seek assistance from the Mexican consulate prior to trial as prescribed by a treaty ratified by Congress in 1963 In 2008 amid fierce controversy the U S Supreme Court declared that the international ruling had no weight Medellin subsequently was executed As Julian Ku and John Yoo show in Taming Globalization the Medellin case only hints at the legal complications that will embroil American courts in the twenty first century Like Medellin tens of millions of foreign citizens live in the United States and like the International Court of Justice dozens of international institutions cast a legal net across the globe from border commissions to the World Trade Organization Ku and Yoo argue that all this presents an unavoidable challenge to American constitutional law particularly the separation of powers between the branches of federal government

and between Washington and the states To reconcile the demands of globalization with a traditional formal constitutional structure they write we must re conceptualize the Constitution as Americans did in the early twentieth century when faced with nationalization They identify three mediating devices we must embrace non self execution of treaties recognition of the President's power to terminate international agreements and interpret international law and a reliance on state implementation of international law and agreements These devices will help us avoid constitutional difficulties while still gaining the benefits of international cooperation Written by a leading advocate of executive power and a fellow Constitutional scholar Taming Globalization promises to spark widespread debate **Dictionary of Early American Philosophers** John R. Shook, 2012-04-05 The Dictionary of Early American Philosophers which contains over 400 entries by nearly 300 authors provides an account of philosophical thought in the United States and Canada between 1600 and 1860 The label of philosopher has been broadly applied in this Dictionary to intellectuals who have made philosophical contributions regardless of academic career or professional title Most figures were not academic philosophers as few such positions existed then but they did work on philosophical issues and explored philosophical questions involved in such fields as pedagogy rhetoric the arts history politics economics sociology psychology medicine anthropology religion metaphysics and the natural sciences Each entry begins with biographical and career information and continues with a discussion of the subject s writings teaching and thought A cross referencing system refers the reader to other entries The concluding bibliography lists significant publications by the subject posthumous editions and collected works and further reading about the subject

The Fourth Amendment Michael J. Z. Mannheimer, 2023-08-22 Police are required to obey the law While that seems obvious courts have lost track of that requirement due to misinterpreting the two constitutional provisions governing police conduct the Fourth and Fourteenth Amendments The Fourth Amendment forbids unreasonable searches and seizures and is the source of most constitutional constraints on policing Although that provision technically applies only to the federal government the Fourteenth Amendment ratified in the wake of the Civil War has been deemed to apply the Fourth Amendment to the States This book contends that the courts misinterpretation of these provisions has led them to hold federal and state law enforcement mistakenly to the same constitutional standards The Fourth Amendment was originally understood as a federalism or states rights provision that in effect required federal agents to adhere to state law when searching or seizing Thus applying the same constraint to the States is impossible Instead the Fourteenth Amendment was originally understood in part as requiring that state officials 1 adhere to state law 2 not discriminate and 3 not be granted excessive discretion by legislators These principles should guide judicial review of modern policing Instead constitutional constraints on policing are too strict and too forgiving at the same time In this book Michael J Z Mannheimer calls for a reimagination of what modern policing could look like based on the original understandings of the Fourth and Fourteenth Amendments

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