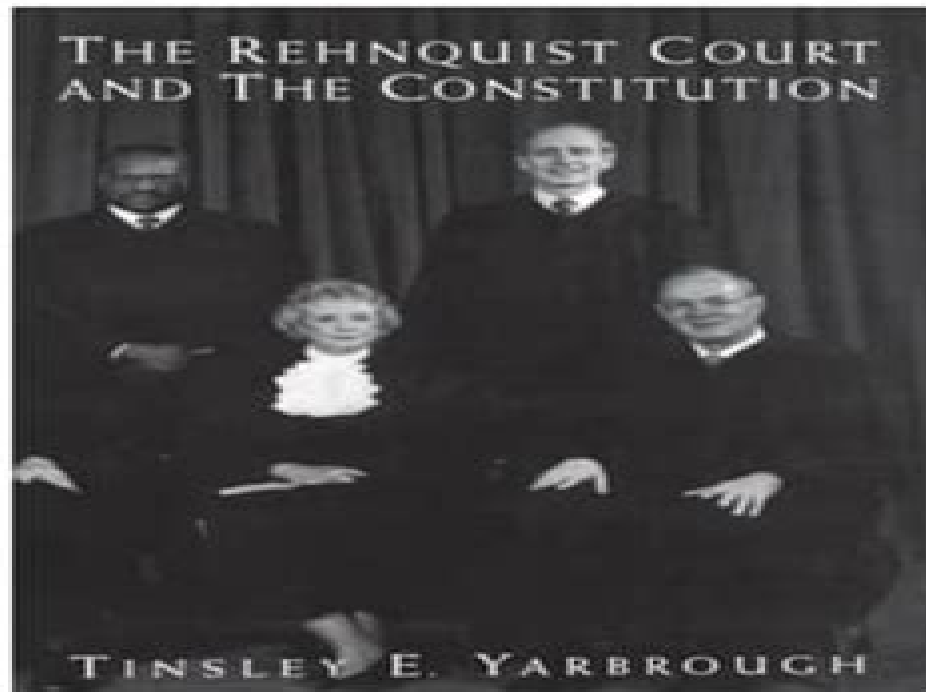


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Rehnquist Court And The Constitution

Sue Davis



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 **A Court Divided: The Rehnquist Court and the Future of Constitutional Law** Mark Tushnet, 2005-11-17 An incisive consideration of the Supreme's offering erudite yet accessible clues to legal thinking on the most important level. Kirkus Reviews 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, 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.

The Rehnquist Court and Criminal Justice Christopher E. Smith, Christina DeJong, Michael McCall, 2011-11-16. This book examines the criminal justice decisions of the Rehnquist Court era through analyses of individual justices' contributions to the development of law and policy. The Rehnquist Court era (1986-2005) produced a period of opportunity for the U.S. Supreme Court's judicial conservatives to reshape constitutional law concerning rights in the criminal justice process. It was an era in which the Court produced many hotly debated decisions concerning such issues as capital punishment, search and seizure, police interrogations, and prisoners' rights. The Court's most conservative justice, William H. Rehnquist, ascended to the key leadership position of Chief Justice, and he was joined on the Court by two new appointees, Antonin Scalia and Clarence Thomas, who were equally supportive of both greater authority for police and limited definitions of constitutional rights for suspects, defendants, and criminal offenders. The Rehnquist Court era decisions refined and narrowed many of the rights-expanding decisions of the Warren Court era (1953-1969). However, the Supreme Court did not ultimately eliminate the Warren era's foundational rights concepts in criminal justice, such as the exclusionary rule and Miranda warnings. As the leading liberal voices of the Warren era, William Brennan and Thurgood Marshall, retired early in the Rehnquist era, the Court experienced continued advocacy of broad conceptions for many rights through the increased assertiveness of Republican appointees Harry Blackmun, John Paul Stevens, and David Souter, as well as the arrival of new Democratic appointees Ruth Bader Ginsburg and Stephen Breyer. In many important cases, the justices advocating the preservation of constitutional protections could prevail even on a generally conservative Court by persuading one or more of President Ronald Reagan's appointees to support a particular right for suspects and defendants. Sandra Day O'Connor and

Anthony Kennedy in particular shaped outcomes within a divided Court as they determined which of the Court's wings with which they would align in a particular case. The contributors to this volume identify and highlight the unique perspectives and influential decisions of individual justices as the means for understanding the Rehnquist Court's imprint on criminal justice.

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.

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

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 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.

Executing the Constitution, **Turning Right** David G. Savage, 1992-04-24 Presents a portrait of the Supreme Court justices since 1986

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

The Constitutional Legacy of William H. Rehnquist Bradford P. Wilson, 2015 September 3, 2015 marks the 10th anniversary of the death of Chief Justice William H. Rehnquist. His 33 years on the Supreme Court of the United States made his tenure on the Court the eighth longest in American history. Though much has been written on the Rehnquist Court, relatively little scholarly work has been devoted to Rehnquist's own influence on

legal interpretation and the development of Supreme Court doctrine To assess Rehnquist s constitutional legacy this volume examines three areas of constitutional interpretation in which he made influential and it would seem lasting contributions federalism criminal procedure and the place of religion in America s constitutional design The contributors to this book are well known for their expertise in these three constitutional domains By organizing the volume around three central essays and commentaries on each the book provides not only an overview of Rehnquist s contributions to major constitutional themes but also differing perspectives on the essays themselves and on Rehnquist s constitutional legacy Among the contributors to this work are John S Baker Jr Charles J Cooper Donald L Drakeman Richard W Garnett Kent Greenawalt R Shep Melnick Robert F Nagel Stephen J Schulhofer and Stephen F Smith

Police, Prosecutors, Courts, and the Constitution Charles E. MacLean, James A. Densley, 2023-09-26 This book delves into a multitude of practices that although deemed lawful by courts are undeniably awful and unethical From police officers employing deceit to extract confessions or consent to search to prosecutors manipulating innocent individuals to relinquish their rights and plead guilty to excessive force by law enforcement these practices erode public trust in the criminal legal system and deny justice to those affected With a critical examination of these deeply flawed tactics this volume goes beneath the surface to explore their profound impact on the ethical standards and emotional health of justice system practitioners It forcefully argues for a reclaiming of The Social Contract and for peace officers and prosecutors to unequivocally reject these unethical methods and recognize the urgent need for a criminal justice system that truly embodies ethics and fairness This work equips police officers prosecutors judges and legislators with invaluable research enabling them to actively advocate for a transformed system that ethically serves justice for all in the post George Floyd era

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 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 Embattled Constitution Norman Dorsen, 2013-06-07 An indispensable and provocative guide through the thicket of today's most challenging constitutional controversies by some of the most eminent judges of their time It offers an invaluable peek behind the curtain of judicial decision making David Cole Professor of Law Georgetown University The Embattled Constitution presents the fourth collection of the James Madison lectures delivered at the NYU School of Law offering thoughtful examinations of an array of topics on civil liberties by a distinguished group of federal judges including Justice Stephen Breyer of the U S Supreme Court The result is a fascinating look into the minds of the judges who interpret apply and give meaning to our embattled Constitution In these insightful and incisive essays the authors bring to bear decades of experience to explore wide ranging issues Are today's public schools racially segregated To what extent can the federal courts apply the Bill of Rights without legislative guidance And what are the criteria for the highest standards of judging and constitutional interpretation The authors also discuss how and why the Constitution came to be embattled shining a spotlight on the current polarization in both the Supreme Court and the American body politic and offering careful and informed analysis of how to bridge these divides Contributors include Marsha S Berzon Michael Boudin Stephen Breyer Guido Calabresi Robert H Henry Robert Katzmann Pierre N Leval M Blane Michael Davis S Tatel J Harvie Wilkinson III and Diane P Wood

The Rehnquist Court Herman Schwartz, 2003-11-01 Incisive commentary on recent Supreme Court decisions from America's foremost constitutional scholars For nearly all his tenure as Chief Justice of the Supreme Court William Rehnquist has enjoyed the support of a slim but usually solid majority of his fellow justices With it he has been able to effect a dramatic shift to the right in many vital areas of constitutional law Displaying a judicial activism not seen since the 1930s Rehnquist and his allies in a series of 54 decisions have undermined civil rights and weakened the federal government's ability to respond to pressing social needs As the Rehnquist court concludes its fifteenth term the well known constitutional authority Herman Schwartz has assembled seventeen distinguished legal scholars to evaluate its record on the many controversial issues that have come before it Among them are Stephen Bright on capital punishment Charles Ogletree on criminal procedure Norman Redlich on religion Allan Morrison and David Vladeck on regulation and John Mackenzie on Bush v Gore The book concludes with an overall reflection on Rehnquist's legacy by Tom Wicker

The Rehnquist Court Stanley H. Friedelbaum, 1994 This is the first in depth analysis of

the Rehnquist Court viewed as a functional entity Well known for his work in constitutional law Stanley Friedelbaum analyzes leading cases and rigorously examines the Court s full opinions He reviews the interaction between the Justices and points to the patterns of the Court as a new centralist coalition comes to control critical policymaking relating to abortion the right to die affirmative action reverse discrimination and privacy interests A table of important cases and a bibliography enhance this short study for general readers and for students in introductory constitutional law courses and in advanced courses in judicial politics and American government

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