

RELIGIOUS
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SAFEGUARDS

Louis Fisher

Religious Liberty In America Political Safeguards

Francis Graham Lee



Religious Liberty In America Political Safeguards:

Religious Liberty in America Louis Fisher, 2002 It is often assumed that the judiciary especially the Supreme Court provides the best protection of our religious freedom Louis Fisher however argues that only on occasion does the Court lead the charge for minority rights More likely it is seen pulling up the rear By contrast Congress frequently acts to protect religious groups by exempting them from general laws on taxation social security military service labor and countless other statutes Indeed legislative action on behalf of religious freedom is an American success story but one that renowned constitutional authority Fisher argues has been poorly understood by most of us Taking in the full span of American history Fisher demonstrates that over the course of two centuries of American government Congress has often been in the forefront of establishing and protecting rights that have been neglected denied or unrecognized by the Court and that statutory provisions far outstrip in both number and importance the court cases that have expanded religious rights In this concise and insightful book Fisher presents a series of important case studies that explain how Supreme Court rulings on religious liberty have been challenged and countermanded by public pressures legislation and independent state action He tells how religious groups interested in securing the rights of conscientious objectors received satisfaction by taking their cases to Congress not the courts how public uproar over a 1940 Supreme Court ruling sustaining compulsory flag salutes resulted in a court reversal and how Congress intervened in a 1986 ruling upholding a military prohibition of skullcaps for Jews By describing other controversies such as school prayer Indian religious freedom the religious use of peyote and statutory exemptions for religious organizations Fisher convincingly demonstrates that we must understand the political and not just the judicial context for the safeguards that protect religious minorities As this book shows the origin and growth of an individual's right to believe or not believe and the securing of that right has occurred almost entirely outside the courtroom *Religious Liberty in America* persuasively challenges judicial supremacists on church state issues and provides a highly readable introduction for all students and citizens concerned with their right to believe as they wish

Religious Persecution and Political Order in the United States David T. Smith, 2015-11-12 This book explains why the United States a country that values religious freedom has persecuted some religious minorities while protecting others It explores the experiences of Mormons Jehovah's Witnesses Jews Catholics and Muslims arguing that the state will persecute a religion if it sees it as a political threat

The U.S. Supreme Court and New Federalism Christopher P. Banks, John C. Blakeman, 2012-07-30 Constitutional scholars Christopher P Banks and John C Blakeman offer the most current and the first book length study of the U S Supreme Court's new federalism begun by the Rehnquist Court and now flourishing under Chief Justice John Roberts While the Rehnquist Court reinvigorated new federalism by protecting state sovereignty and set new constitutional limits on federal power Banks and Blakeman show that in the Roberts Court new federalism continues to evolve in a docket increasingly attentive to statutory construction preemption and business litigation

Religion and Politics in America Robert Booth

Fowler,2018-05-04 this book focuses on religion and politics and the dynamic interactions between them It helps to understand the politics of religion in the United States and to appreciate the strategic choices that politicians and religious participants make when they participate in politics Religion and Politics in America Allen D. Hertzke,Laura R. Olson, Kevin R. den Dulk,Robert Booth Fowler,2018-08-06 Religion and politics are never far from the headlines but their relationship remains complex and often confusing This book offers an engaging accessible and balanced treatment of religion in American politics It explores the historical cultural and legal contexts that motivate religious political engagement and assesses the pragmatic and strategic political realities that religious organizations and people face Incorporating the best and most current scholarship the authors examine the evolving politics of Roman Catholics evangelical and mainline Protestants African American and Latino traditions Jews Muslims and other religious minorities recent immigrants and religious nones and other conventional and not so conventional American religious movements New to the Sixth Edition Covers the 2016 election and assesses the role of religion from Obama to Trump Expands substantially on religion s relationship to gender and sexuality race ethnicity and class and features the role of social media in religious mobilization Adds discussion questions at the end of every chapter to help students gain deeper understanding of the subject Adds a new concluding chapter on the normative issues raised by religious political engagement to stimulate lively discussions

Constitutional Law for a Changing America Lee Epstein, Kevin T. McGuire, Thomas G. Walker,2021-07-23 Constitutional Law for a Changing America shows students how political factors influence judicial decisions and shape the development of constitutional law Updated with additional material such as recent court rulings more than 500 supplemental cases and greater coverage of freedom of expression the Eleventh Edition of this bestseller will develop students understanding of how the U S Constitution protects civil rights and liberties *The Oxford Handbook of Religion and American Politics* Corwin E. Smidt, Lyman A. Kellstedt, James L. Guth,2017 Over the past three decades the study of religion and politics has gone from being ignored by the scholarly community to being a major focus of research Yet because this important research is not easily accessible to nonspecialists much of the analysis of religion s role in the political arena that we read in the media is greatly oversimplified This Handbook seeks to bridge that gap by examining the considerable research that has been conducted to this point and assessing what has been learned what remains unsettled due to conflicting research findings and what important questions remain largely unaddressed by current research endeavors The Handbook is unique to the field of religion and American politics and should be of wide interest to scholars students journalists and others interested in the American political scene **The Oxford Handbook of Church and State in the United States** Derek Davis,2010-11-18 21 essays present a scholarly look at the intricacies and past and current debates that frame the American system of church and state within 5 main areas history politics sociology theology philosophy and law **The Constitution and 9/11** Louis Fisher,2008 The Constitution and 9 11 provides a comprehensive striking and

disturbing analysis of executive misuse of power that is made all the more compelling by placing it in a rich and fascinating historical context. No better book is available for placing post 9/11 government actions in the matrix of history and explaining how executive power has degraded the Constitution and citizen rights. William G. Weaver, Back cover **The Democratic Constitution, 2nd Edition** Neal Devins, Louis Fisher, 2015-09-01. Constitutional law is clearly shaped by judicial actors. But who else contributes? Scholars in the past have recognized that the legislative branch plays a significant role in determining structural issues such as separation of powers and federalism but stopped there claiming that only courts had the independence and expertise to safeguard individual and minority rights. In this readable and engaging narrative the authors identify the nuts and bolts of the national dialogue and relate succinct examples of how elected officials and the general public often dominate the Supreme Court in defining the Constitution's meaning. Making use of case studies on race, privacy, federalism, war powers, speech, and religion, Devins and Fisher demonstrate how elected officials uphold individual rights in such areas as religious liberty and free speech as well as and often better than the courts. This fascinating debunking of judicial supremacy argues that nonjudicial contributions to constitutional interpretation make the Constitution more stable, more consistent with constitutional principles, and more protective of individual and minority rights. **The Democratic Constitution** Neal Devins, Louis Fisher, 2015. Constitutional law is clearly shaped by judicial actors. But who else contributes? Scholars in the past have recognized that the legislative branch plays a significant role in determining structural issues such as separation of powers and federalism but stopped there claiming that only courts had the independence and expertise to safeguard individual and minority rights. In this readable and engaging narrative the authors identify the nuts and bolts of the national dialogue and relate succinct examples of how elected officials and the general public often dominate the Supreme Court in defining the Constitution's meaning. Making use of case studies on race, privacy, federalism, war powers, speech, and religion, Devins and Fisher demonstrate how elected officials uphold individual rights in such areas as religious liberty and free speech as well as and often better than the courts. This fascinating debunking of judicial supremacy argues that nonjudicial contributions to constitutional interpretation make the Constitution more stable, more consistent with constitutional principles, and more protective of individual and minority rights. **Equal Protection** Francis Graham Lee, 2003-11-17. An introductory survey of the government's role in America's continuing drive for equality. Today's lingering inequalities, particularly the American dilemma of racism, runs throughout U.S. history. Equal Protection provides readers with a historical overview of the controversies over the issue of equality, an understanding of how government and particularly the courts and Congress have reacted to these controversies, and the role these issues have played in shaping U.S. society. This volume follows the push for equal treatment regardless of age, gender, disabilities, economic status, or sexual orientation. It focuses on legislation such as the Americans with Disabilities Act and political initiatives and movements such as The Great Society, the ERA, and the War on Poverty. Here are America's interpretations of equal rights then and now. **Defending**

Congress and the Constitution Louis Fisher, 2011-09-07 The culmination of four decades of research and service on behalf of Congress Louis Fisher's latest work is a fitting capstone to a remarkable career as scholar and writer and presents his most articulate passionate and persuasive defense yet of Congress as an institution Our nation's leading authority on the separation of powers Fisher offers a lucid primer on our nation's government and its executive legislative and judicial branches while vigorously advocating a robust reassertion of Congress's rightful role within that system Drawing on a wide range of legislation Supreme Court rulings and presidential decisions Fisher illuminates the contentious contest among the three major branches for power and control of government presents a panorama of American history and touches on issues as wide ranging as federalism religious freedom and national security policy Fisher is especially critical of the stereotypical view of the Supreme Court's decisions as possessing a kind of effectiveness and absolute finality that transcends the efforts and powers of Congress Indeed he argues that Congress as much or more than the judiciary has had a major positive impact on protecting individual rights in this country while the judiciary has fallen short in such areas as child labor regulation and compulsory flag salute or has attempted to settle a constitutional issue only to have it fester for years breeding anger and resentment until the political process forces the courts rethink their views He highlights legislative accomplishments in many areas often in the face of judicial opposition and obstruction but also chides Congress for not protecting its key prerogatives over the power of the purse and going to war In yielding to other branches Fishers warns lawmakers fail to represent their constituents and cripple the very system of checks and balances the Framers counted on to limit the destructive capacity of government His book offers a wealth of forceful insights and provides an important reminder of and guide to how our government should really work

Reconsidering Judicial Finality Louis Fisher, 2023-07-21 Federal judges legal scholars pundits and reporters frequently describe the Supreme Court as the final word on the meaning of the Constitution The historical record presents an entirely different picture A close and revealing reading of that record from 1789 to the present day *Reconsidering Judicial Finality* reminds us of the unalterable fact as Chief Justice Rehnquist once remarked that our judicial system like the human beings who administer it is fallible And a Court inevitably prone to miscalculation and error as this book clearly demonstrates cannot have the incontrovertible last word on constitutional questions In this deeply researched sharply reasoned work of legal myth busting constitutional scholar Louis Fisher explains how constitutional disputes are settled by all three branches of government and by the general public with the Supreme Court often playing a secondary role The Court's decisions have of course been challenged and reversed in numerous cases involving slavery civil rights child labor legislation Japanese internment during World War II abortion and religious liberty What Fisher shows us on a case by case basis is how the elected branches scholars and American public regularly press policies contrary to Court rulings and regularly prevail although the process might sometimes take decades From the common misreading of *Marbury v Madison* to the mistaken understanding of the Supreme Court as the trusted guardian of individual rights to the questionable

assumptions of the Court's decision in *Citizens United*. Fisher's work charts the distance and the difference between the Court as the ultimate arbiter in constitutional matters and the judgment of history. The verdict of *Reconsidering Judicial Finality* is clear: to treat the Supreme Court's nine justices as democracy's last hope or as dangerous activists undermining democracy is to vest them with undue significance. The Constitution belongs to all three branches of government and finally to the American people.

The Law of the Executive Branch Dr. Louis Fisher, 2014-01-03 The scope of presidential authority has been a constant focus of constitutional dispute since the Framing. The bases for presidential appointment and removal, the responsibility of the Executive to choose between the will of Congress and the President, the extent of unitary powers over the military, even the ability of the President to keep secret the identity of those consulted in policy making decisions have all been the subject of intense controversy. The scope of that power and the manner of its exercise affect not only the actions of the President and the White House staff but also all staff employed by the executive agencies. There is a clear need to examine the law of the entire executive branch. *The Law of the Executive Branch: Presidential Power* places the law of the executive branch firmly in the context of constitutional language, framers' intent, and more than two centuries of practice. In this book, Louis Fisher strives to separate legitimate from illegitimate sources of power through analysis that is informed by litigation as well as shaped by presidential initiatives, statutory policy, judicial interpretations, and public and international pressures. Each provision of the US Constitution is analyzed to reveal its contemporary meaning in concert with the application of presidential power. Controversial issues covered in the book include unilateral presidential wars, the state secrets privilege, extraordinary rendition, claims of inherent presidential powers that may not be checked by other branches, and executive privilege.

Constitutional Conflicts between Congress and the President Louis Fisher, 2014-08-19 Over three decades after its initial publication, Louis Fisher's durable classic remains at the head of its class: a book that *Congressional Quarterly* called as close to being indispensable as anything published in this field. This newly revised sixth edition emphatically reinforces that sterling reputation. Fisher dissects the crucial constitutional disputes between the executive and legislative branches of government from the Constitutional Convention through President Clinton's impeachment battles to the recent controversies over President Bush's conduct as commander in chief. He ventures beyond traditional discussions of Supreme Court decisions to examine the day-to-day working relationships between the president and Congress. By analyzing a mixture of judicial pronouncements, executive acts, and legislative debates, Fisher pinpoints the critical areas of legislative-executive tension: appointment powers, investigatory powers, legislative and executive vetoes, the budgetary process, and war powers. He then examines these areas of tension within a concrete political and historical context. To scholars, this book offers a comprehensive examination of the institutions and issues of public law. For practitioners, general readers, and students of American government, it demonstrates how constitutional issues shape and define current events. The new edition covers for the first time Obama's military decisions in Afghanistan and Iraq. Military operations

against Libya in 2011 Threatened attacks on Syria in 2013 Efforts to close Guantanamo Obama's recess appointments during a pro forma session Fast and Furious scandal Holder's contempt and Obama's executive privilege The growth of presidential czars Executive branch secrecy and lack of accountability State Secrets Privilege after 9/11 Distinguishing between implied powers constitutional and inherent powers not constitutional Pocket vetoes and the growth of hybrid vetoes New developments in the President's removal power

Congress Louis Fisher, 2016-02-19 When asked which branch of government protects citizens' rights we tend to think of the Supreme Court stepping in to defend gay rights for example in the recent same sex marriage case But as constitutional scholar Louis Fisher reveals in his new book this would be a mistake and not just because a decision like the gay marriage ruling can be decided by the opinion of a single justice Rather we tend to judge the executive and judicial branches idealistically while taking a more realistic view of the legislative with its necessarily messier and more transparent workings In Congress Fisher highlights these biases as he measures the record of the three branches in protecting individual rights and finds that Congress far more than the president or the Supreme Court has defended the rights of blacks women children Native Americans and religious liberty After reviewing the constitutional principles that apply to all three branches of government Fisher conducts us through a history of struggles over individual rights showing how the court has frequently failed at many critical junctures where Congress has acted to protect rights He identifies changes in the balance of power over time a post World War II transformation that has undermined the system of checks and balances the Framers designed to protect individuals in their aspiration for self government Without a strong independent Congress this book reminds us our system would operate with two elected officers in the executive branch and none in the judiciary a form of government best described as elitist and one no one would deem democratic In light of the history that unfolds here and in view of a Congress widely decried as dysfunctional Fisher proposes reforms that would strengthen not only the legislative branch's role in protecting individual rights under the Constitution but also its standing in the democracy it serves

Supreme Court Expansion of Presidential Power Louis Fisher, 2017-07-14 In the fourth of the Federalist Papers published in 1787 John Jay warned of absolute monarchs who will often make war when their nations are to get nothing by it More than two centuries later are single executives making unilateral decisions any more trustworthy And have the checks on executive power so critical in the Founders' drafting of the Constitution held These are the questions Louis Fisher pursues in this book By examining the executive actions of American presidents particularly after World War II Fisher reveals how the Supreme Court through errors and abdications has expanded presidential power in external affairs beyond constitutional boundaries and damaged the nation's system of checks and balances *Supreme Court Expansion of Presidential Power* reviews the judicial record from 1789 to the present day to show how the balance of power has shifted over time For nearly a century and a half the Supreme Court did not indicate a preference for which of the two elected branches should dominate in the field of external affairs But from the mid thirties a pattern clearly emerges with the Court

regularly supporting independent presidential power in times of emergency or issues linked to national security The damage this has done to democracy and constitutional government is profound Fisher argues His evidence extends beyond external affairs to issues of domestic policy such as impoundment of funds legislative vetoes item veto authority presidential immunity in the Paula Jones case recess appointments and the Obama administration s immigration initiatives Fisher identifies contemporary biases that have led to an increase in presidential power including Supreme Court misconceptions and errors academic failings and mistaken beliefs about inherent powers and unity of office Calling to account the forces tasked with protecting our democracy from the undue exercise of power by any single executive his deeply informed book sounds a compelling alarm

President Obama Louis Fisher, 2018-07-12 On the campaign trail Barack Obama spoke often about his constitutional principles In particular he objected to George W Bush s claim to certain inherent presidential powers that could not be checked by Congress or the judiciary After his inauguration how did President Obama s constitutional principles fare That is the question Louis Fisher explores in this book a disturbing and timely study of the tension between constitutional aspirations and executive actions in the American presidency A constitutional scholar Fisher views Obama s two terms within the context of other presidencies and in light of the principles set forth by the Framers His work reveals how the basic system of checks and balances has been substantially altered by Supreme Court decisions military initiatives and scholarship promoting the power of the president and by presidents progressively more inclined to wield that power In this analysis we see the steps by which Obama himself an expert on the Constitution came to press his agenda more and more aggressively through executive actions on climate change renewable energy the auto industry bail out education initiatives and financial reform Rather than focus on policy Fisher examines the politics and practical concerns that drive executive overreach as well as the impact of such expanded powers on bipartisan support public understanding and finally the functioning of government A fair but critical assessment of Obama s executive performance and legacy this sobering book documents the erosion of constitutional principles that prepared the way for the presidency of Donald Trump

Making Policy, Making Law Mark Carlton Miller, Jeb Barnes, 2004 This volume proposes a new way of understanding the policymaking process in the United States by examining the complex interactions among the three branches of government executive legislative and judicial Collectively across the chapters a central theme emerges that the U S Constitution has created a policymaking process characterized by ongoing interaction among competing institutions with overlapping responsibilities and different constituencies one in which no branch plays a single static part At different times and under various conditions all governing institutions have a distinct role in making policy as well as in enforcing and legitimizing it This concept overthrows the classic theories of the separation of powers and of policymaking and implementation specifically the principal agent theory in which Congress and the presidency are the principals who create laws and the bureaucracy and the courts are the agents who implement the laws if they are constitutional The book opens by introducing the concept of

adversarial legalism which proposes that the American mindset of frequent legal challenges to legislation by political opponents and special interests creates a policymaking process different from and more complicated than other parliamentary democracies The chapters then examine in depth the dynamics among the branches primarily at the national level but also considering state and local policymaking Originally conceived of as a textbook because no book exists that looks at the interplay of all three branches it should also have significant impact on scholarship about national lawmaking national politics and constitutional law Intro conclusion and Dodd s review all give good summaries

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