
Original Intentions

ON THE MAKING

AND RATIFICATION OF THE

UNITED STATES CONSTITUTION



M. E. BRADFORD

Original Intentions On The Making And Ratification Of The United States

Frances Scott



Original Intentions On The Making And Ratification Of The United States:

Original Intentions Melvin Eustace Bradford, 1993 This persuasively argued decidedly partisan work aims to recover the original United States Constitution by describing its genesis ratification and mandate from the perspectives of its original framers Openly challenging contemporary orthodoxy M E Bradford employs principles of legal historical rhetorical and dramatic analysis to reveal a Constitution notably short on abstract principles and modest in any goal beyond limiting the powers of the government it authorizes From the beginning of *Original Intentions* two sharply divergent convictions about the Constitution emerge Bradford arguing from a nomocratic viewpoint regards the Constitution as an essentially procedural text created expressly to detail how the government may preside over itself not its people He decries the currently predominant teleologic view which is based upon the principles embodied by the Constitution and holds that the document was designed to achieve a certain kind of society By this view he says our fundamental laws have been blanketed by a heavy layer of ad hoc solutions to problems they were never intended to address and then further obscured by the melioristic meddlings of judges legislators lawyers scholars and journalists Bradford first shows that the Constitutional convention of 1787 was an enterprise guided by the delegates hesitancy to impose a higher order over their local practical and vastly differing interests Though all the states would ratify the Constitution he says each would interpret it in unique ways Bradford underscores the dearth of lofty idealism among the original framers by detailing British influences on their political ethos British common law on which the framers heavily relied evolved from a tradition of deliberate responses to practical needs and circumstances not deductions from abstract utopian designs In light of these factors Bradford examines the ratification debates of Massachusetts South Carolina and North Carolina three states that together exemplified the vast range of interests to be accommodated by the Constitution Next Bradford highlights classic teleologic distortions Discussing religion and the first amendment he establishes a pervasive commitment to Christianity among the framers and challenges our notions about the separation of church and state Warning against anachronistic readings of the Constitution Bradford also analyzes the rhetoric of the framers to reinforce our awareness of their desire for a government that would contain their multiplicities not seek to resolve them In a reading of the Reconstruction amendments thirteen fourteen and fifteen Bradford argues that they had only a modest impact on the Constitution's original design By the misconstruction of these amendments however the Constitution has been transformed into a purpose oriented blank check for redesigning American society In a final chapter Bradford critiques Mortimer Adler's *We Hold These Truths* and repudiates any broad connection between the Constitution and the Declaration of Independence Before the Constitution is irreparably damaged Bradford says we must realize that it was not the best that the framers could invent but the best that their constituencies would approve Debates related to normative issues should be settled not within the Constitution but within society away from the coercive forces of law and politics or else by amendment

The Ninth Amendment and the Politics of Creative Jurisprudence Marshall

DeRosa,2017-11-30 The Ninth Amendment holds that every right not explicitly granted to the federal government by the Constitution belongs to the states or to the individual Further those rights held by the government should not be construed to deny or disparage other rights held by the people As in other areas of contention between federal power and states rights the Ninth Amendment has become subject to activist Supreme Court interpretation whereby the traditional model of federalism in which states had meaningful public policy prerogatives has given way to a model in which states become mere extensions of the U S government In this volume Marshall DeRosa provides a thorough analysis of Supreme Court unenumerated rights policy and offers suggestions toward reestablishing American federalism as envisioned by the framers of the Constitution The book opens with a review and analysis of current debates over Ninth Amendment rights and then utilizes the privileges and immunities clauses as demonstrative of the traditional relationship between the states police powers and unenumerated fundamental rights DeRosa then considers the critical role of academia in shifting public policy away from popular control and toward the judiciary Later chapters include national and state case studies as instances of judicial creativity an examination of the effects of Ninth Amendment jurisprudence on the Second Amendment as it bears on the gun control debate and a comparative analysis of contrasting theories on the status of unenumerated rights In his conclusion DeRosa offers some prescriptive thoughts on how to restore the original constitutional concept of popular consent as a remedy to an increasingly unaccountable federal judiciary By restoring the Ninth Amendment to the context of American federalism this volume constitutes a major contribution to contemporary scholarship challenging a corpus of commentary that either ignores misunderstands or misrepresents the relevance of popular control in the articulation of unenumerated rights The Ninth Amendment and the Politics of Creative Jurisprudence will be of interest to political scientists historians legal theorists and political practitioners The American Revolution, State Sovereignty, and the American Constitutional Settlement,

1765-1800 Aaron N. Coleman,2016-03-04 Tracing the political ideological and constitutional arguments from the imperial crisis with Britain and the drafting of the Articles of Confederation to the ratification of the Constitution and the political conflict between Federalists and Jeffersonians The American Revolution State Sovereignty and the American Constitutional Settlement 1765 1800 reveals the largely forgotten importance of state sovereignty to American constitutionalism Contrary to modern popular perceptions and works by other academics the Founding Fathers did not establish a constitutional system based upon a national popular sovereignty nor a powerful national government designed to fulfill a grand philosophical purpose Instead most Americans throughout the period maintained that a constitutional order based upon the sovereignty of states best protected and preserved liberty Enshrining their preference for state sovereignty in Article II of the Articles of Confederation and in the Tenth and Eleventh Amendments to the federal constitution Americans also claimed that state interposition the idea that the states should intervene against any perceived threats to liberty posed by centralization was an established and accepted element of state sovereignty *Unite the Usa* Stacie Ruth,Carrie Beth Stoelting,2013-11-26 Are

you ready to take America back Unite the USA confronts today's issues head on Unlike other books it explains how you can actively make a difference to help our country get back on track With 101 ways to take action now Unite the USA explains how to stand up for our military and veterans freedom and faith in Jesus Christ Candid yet hopeful this well researched yet easy to read book motivates educates and stimulates patriots to make a positive difference in America Unite the USA seeks to help renew your vision for the future Learn little known insights about our country's history amass facts to match your values arm yourself to destroy cultural myths and learn new ways to take action no matter who or where you are You can be a part of the new generation to preserve and refresh our country's freedoms As a positive book with a solid inspiring Christian message of hope this not a patriotic talk at you book Its a take positive patriotic action tool Today when headlines and difficulties discourage you remember there is hope in Christ and there is hope for America With God as our help America can soar again

The Meanings of Michael Oakeshott's Conservatism Corey Abel, 2017-03-06 This collection of recent scholarship on the thought of Michael Oakeshott includes essays by both distinguished and established authors as well as a fresh crop of younger talent Together they address the meanings of Oakeshott's conservatism through the lenses of his ideas on religion history and tradition and explore his relationships to philosophers ranging from Hume to Ryle Cavell and others The collection assigns no single or final meaning to Oakeshott's conservatism but finds in him a number of possibilities for thinking fruitfully about what conservatism might mean when it is no longer considered as a doctrine but as a habit or a turn of mind

The Power to Legislate Richard E. Levy, 2006-07-30 In a political climate where the machinery of the federal government has grown increasingly complex The Power to Legislate offers a comprehensive and in depth analysis of the extent and limitations of legislative power granted by the U S Constitution By examining the historical development of the Constitution as well as judicial precedent set by the Supreme Court Richard E Levy develops a systematic account of federal legislative power that is ideal for anyone interested in constitutional history and political science Levy focuses his investigation on three distinct yet related aspects of federal legislative power the necessary and proper clause of Article I the delegation of powers to the various federal institutions and the deliberative powers of Congress to conduct investigations and interrogations The Power to Legislate synthesizes these three crucial ideas into a fresh perspective that sheds light on today's controversies

Unity and Diversity in America Frances Scott, 1999 This is the 95th issue of the US Air Force Academy Libraries Special Bibliographic Series Created by Ms Frances K Scott Political Sciences Bibliographer and Reference Librarian this issue of the Series was developed to support the 42nd annual Academy Assembly to be held 15-18 February 2000 The Assembly sponsored by the Department of Political Science brings more than 150 delegates from more than 100 colleges and universities to discuss and to debate a contemporary issue This year's theme is Unity and Diversity in America Tradition and Change in the 20th Century

9 Presidents Who Screwed Up America Brion McClanahan, 2016-02-08 Of the forty four presidents who have led the United States nine made mistakes that permanently scarred the nation Which nine

Brion McClanahan author of *The Politically Incorrect Guide to the Founding Fathers* and *The Founding Fathers Guide to the Constitution* will surprise readers with his list which he supports with exhaustive and entertaining evidence 9 Presidents Who Screwed Up America is a new look back at American history that unabashedly places blame for our nation s current problems on the backs of nine very flawed men **Challenges to the American Founding** Ronald J. Pestritto, Thomas G.

West, 2004-12-28 Ronald J Pestritto s and Thomas G West s earlier volume *The American Founding and the Social Compact* addressed the nature of the thought and philosophy of the men who shaped the American founding In this second volume in a trilogy Pestritto and West examine the fate of the founders principles in the nineteenth century when these principles faced their first great challenges Support of slavery culminating in secession and civil war came from the South and after the war came positivism relativism and radical egalitarianism which originated in Europe and infiltrated American universities where intellectuals repudiated the founders views as historically obsolete and insufficiently concerned with true human liberation In ten chapters covering major thinkers in nineteenth century American political thought contributors discuss the rise and resolution of ideological conflicts in the early generations of the American republic In *Challenges to the American Founding* Pestritto and West have compiled an invaluable resource for the roots of the twentieth century departure in American politics from the political vision of the American founders **The Supreme Court and Religion in American Life, Vol. 2** James

Hitchcock, 2009-01-10 School vouchers The Pledge of Allegiance The ban on government grants for theology students The abundance of church and state issues brought before the Supreme Court in recent years underscores an incontrovertible truth in the American legal system the relationship between the state and religion in this country is still fluid and changing This the second of two volumes by historian and legal scholar James Hitchcock offers a complete analysis and interpretation of the Court s historical understanding of religion explaining the revolutionary change that occurred in the 1940s In Volume I *The Odyssey of the Religion Clauses* Princeton Hitchcock provides the first comprehensive survey of the court cases involving the Religion Clauses including a number that scholars have ignored Here Hitchcock examines how in the early history of our country a strict separation of church and state was sustained through the opinions of Jefferson and Madison even though their views were those of the minority Despite the Founding Fathers ideas the American polity evolved on the assumption that religion was necessary to a healthy society and cooperation between religion and government was assumed This view was seldom questioned until the 1940s notes Hitchcock Then with the beginning of the New Deal and the appointment of justices who believed they had the freedom to apply the Constitution in new ways the judicial climate changed Hitchcock reveals the personal histories of these justices and describes how the nucleus of the Court after World War II was composed of men who were alienated from their own faiths and who looked at religious belief as irrational divisive and potentially dangerous assumptions that became enshrined in the modern jurisprudence of the Religion Clauses He goes on to offer a fascinating look at how the modern Court continues to grapple with the question of whether traditional religious liberty is to

be upheld **The Transformation of the American Democratic Republic** Stephen M. Krason, 2017-09-08 In this stimulating volume Stephen M Krason considers whether the Founding Fathers vision of the American democratic republic has been transformed and if so in what ways He looks to the basic principles of the Founding Fathers then discusses the changes that resulted from evolving contemporary expectations about government Referencing philosophical principles and the work of great Western thinkers Krason then explores a variety of proposals that could forge a foundation for restoration Acknowledging that any attempt to revive the Founders views on a democratic republic must start in the public sphere Krason focuses on concerned citizens who are aware of the extent to which our current political structures deviate from the Founders vision and want to take action Ultimately a democratic republic can exist be sustained and flourish only when there is a deep commitment to it in the minds and norms of its people Written by a foremost authority in the field of US Constitutional law this book will appeal to those interested in American history society and politics **Unity and Diversity in America** Frances K. Scott, 1999 The Oxford Handbook of the Australian Constitution Cheryl Saunders, Adrienne Stone, 2018-03-01 Constitutional law provides the legal framework for the Australian political and legal systems and thus touches almost every aspect of Australian life The Handbook offers a critical analysis of some of the most significant aspects of Australian constitutional arrangements setting them against the historical legal political and social contexts in which Australia s constitutional system has developed It takes care to highlight the distinctive features of the Australian constitutional system by placing the Australian system where possible in global perspective The chapters of the Handbook are arranged in seven thematically grouped parts The first Foundations deals with aspects of Australian history which have influenced constitutional arrangements The second Constitutional Domain addresses the interaction between the constitution and other relevant legal systems and orders including the common law international law and state constitutions The third Themes identifies themes of special constitutional significance including the legitimacy of the constitution citizenship and republicanism The fourth Practice and Process deals with practical issues relevant to constitutional litigation including the processes techniques and authority of the High Court of Australia The final three parts deal with the structural building blocks of the Australian Constitutional system Separation of Powers Federalism and the Protection of Rights Written by a team of experts drawn from academia and practice the Handbook provides Australian and international readers alike with a reliable source of knowledge understanding and insight into the Australian Constitution **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 Southern**

Tradition Eugene D. Genovese, 1994 As much a work of political and moral philosophy as one of history *The Southern Tradition* offers an in depth look at the tenets and attitudes of the Southern conservative worldview Opening a powerful new perspective on today's politics Eugene D Genovese traces a distinct type of conservatism to its sources in Southern tradition

Capital Punishment Joseph A. Melusky, 2024-10-17 This authoritative balanced and accessible reference resource provides readers with a wide ranging survey of capital punishment in America including its history its legal and cultural foundations and racial and economic factors in its application This carefully crafted primer on the history and present state of capital punishment in the United States examines cultural political and legal factors and developments as well as key figures groups and movements by consolidating a wide variety of material into a single convenient source Utilizing a rich and varied array of scholarship and primary sources this work examines historical political cultural and legal factors and developments that have shaped the contours of capital punishment throughout American history It examines key figures and organizations who have played pivotal roles in debates over the death penalty provides readers with illuminating coverage of laws cases and the people involved discusses the experiences of death row inmates and explores questions and controversies revolving around the socioeconomic factors that influence the use of capital punishment *Special Bibliography Series*, 1957

Virginia's American Revolution Kevin R. C. Gutzman, 2007-01-01 *Virginia's American Revolution* focuses on the remaking of colonial Virginia into a republican society It considers this topic with a focus on particular episodes such as the Richmond Ratification Convention of 1788 and the adoption of the Virginia Resolutions of 1798 that brought the question What does it mean to be republican to the fore **The Constitution of the Commonwealth of Australia** Nicholas Aroney, Peter Gerangelos, Sarah Murray, James Stellios, 2015-11-26 *The Constitution of the Commonwealth of Australia* examines the body of constitutional jurisprudence in an original and rigorous yet accessible way It begins by exploring the historical and intellectual context of ideas surrounding the Constitution's inception and closely examines its text structure principles and

purposes in that light The book then unpacks and critically analyses the High Court's interpretation of the Constitution in a manner that follows the Constitution's own logic and method of organisation Each topic is defined through detailed reference to the existing case law which is set out historically to facilitate an appreciation of the progressive development of constitutional doctrine since the Constitution came into force in 1901 The Constitution of the Commonwealth of Australia provides an engaging and distinctive treatment of this fundamental area of law It is an excellent book for anyone seeking to understand the significance and interpretation of the Constitution

Unto a Good Land David Edwin Harrell, John B. Boles, Sally Foreman Griffith, 2005-08-04 *Unto a Good Land* offers a distinctive narrative history of the American people from the first contacts between Europeans and North America's native inhabitants through the creation of a modern nation to the standing of the United States as a world power Written by a team of distinguished historians led by David Edwin Harrell Jr and Edwin S Gaustad this textbook shows how grasping the uniqueness of the bAmerican experimentb depends on understanding the role of religion as well as social cultural political and economic factors in shaping U S history A common shortcoming of most United States history textbooks is that while in recent decades they have expanded their coverage of social and cultural history they still tend to shortchange the role of religious ideas practices and movements in the American past *Unto a Good Land* addresses this shortcoming in a balanced way The authors recognize that religion is only one of many factors that have influenced our past one however that has often been neglected in textbook accounts This volume gives religion its appropriate place in the story Unprecedented coverage of the forces that have shaped the history of the United States While none of America's rich history is left out this volume is the first U S history textbook to give serious attention to the religious dimension of American life This textbook is not a religious history instead it offers an account of American history that includes religious ideas practices and movements whenever they played a shaping role Comprehensive and current This volume traces the American story from the earliest encounters between the first North American inhabitants and Europeans through the 2004 presidential election Complete and balanced treatment is also given to issues of gender race and ethnicity as well as cultural political and economic forces A clear and compelling narrative The authors are more than expert historians they are also talented writers who recognize history to be the retelling of human life United by a seamless narrative structure these chapters restore the bstoryb to history Multiple formats specially designed for flexible classroom use *Unto a Good Land* is available as a single hardcover edition or as two paperback volumes offering maximum flexibility when adapting curriculum for one and two semester courses in U S history The two paperback volumes can be used for U S history survey courses divided at 1865 or 1900 or at any date in between Informative special features to complement the text In addition to the book's exceptional narrative an array of special features enhances the instructional value of the text and points students to resources for further study Includes assistance for teaching and test preparation The instructor's manual for *Unto a Good Land* provides helpful suggestions for lesson plans and assignments and the test bank provides multiple

choice and essay questions for use as study aids quizzes or tests Suitable for instruction at both secular and religious colleges and universities Drawing on their experience in both secular and religious schools the authors have ensured that this textbook is suitable for U S history classes in a wide variety of settings

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