

# Representation Rights and the Burger Years

**Nancy Maveety**

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**Robert E. DiClerico**



## **Representation Rights And The Burger Years:**

*Representation Rights and the Burger Years* Nancy L. Maveety, 2010-03-23 In *Representation Rights and the Burger Years* political scientist Nancy Maveety tackles the constitutional meaning of fair and effective representation rights and evaluates the specific contributions that the Supreme Court made to this definition during the Burger era The Court of Chief Justice Warren Burger has been described as one that made no distinctive jurisprudential contributions It has been dismissed as a court overshadowed by both its predecessor and its successor By contrast Maveety argues that the Burger Court in fact revolutionized constitutional understandings of political representation expanding in particular the judicial scrutiny of political institutions Moving beyond the one person one vote reapportionment initiated by the Warren Court it opened the way for the articulation of group based constitutional representation rights This group based approach to representation questions broadened groups constitutional claims to equal political influence Yet as Maveety perceptively shows this broader interpretation of representable interests was grounded in mainstream American conceptions of political representation The great value of Maveety's study is the presentation of a typology of group representation which explains and validates the Burger Court's work on representation rights This typology drawn from American history political theory and political practice offers a new approach for evaluating the precedential record of the Burger years and a sophisticated framework for understanding the interaction between constitutional law and politics

### **Representation Rights and the Burger Years**

Nancy Maveety, 1991-08-16 Maveety argues that the Supreme Court under Burger revolutionized the constitutional view of political representation

*Historical Dictionary of the U.S. Constitution* Richard S. Conley, 2016-08-16 The *Historical Dictionary of the U S Constitution* covers the Founding of the American Republic and the Framers the drafting of the Constitution constitutional debates over ratification and traces key events Supreme Court chief justices amendments and Supreme Court cases regarding the interpretation of the Constitution from 1789 2016 The *Historical Dictionary of the U S Constitution* contains a chronology an introduction appendixes and an extensive bibliography The dictionary section has over 300 cross referenced entries on key figures in the Founding Supreme Court chief justices explanations of the Articles and Amendments to the Constitution and key Supreme Court cases This book is an excellent access point for students researchers and anyone wanting to know more about the U S Constitution

**The Chief Justiceship of Warren Burger, 1969-1986** Earl M. Maltz, 2000 Maltz law Rutgers U discusses the often discongruous nature of the Burger Court explaining its generally centrist proceedings yet acknowledging that it at times produced decisions even more liberal than that of the Warren Court its liberal predecessor At the same time this book shows patterns that explain the doctrinal positions adopted by the majority in each case Annotation copyrighted by Book News Inc Portland OR

*The U.S. Supreme Court and the Electoral Process* David K. Ryden, 2002-09-06 The U S Supreme Court at least until *Bush v Gore* had seemed to float along in an apolitical haze in the mind of the electorate It was the executive branch and the legislative branch that mucked about in

politics getting dirty the judicial branch kept its robes and nose clean The U S Supreme Court and the Electoral Process makes it abundantly clear however that before during and after the judicial decision that made George W Bush the President of the United States everything was is and will likely be politics including the decisions handed down by the highest court in the land This revised and updated edition takes into account not only the recent famous or infamous depending on the reader s point of view judicial decision on the Presidency but a myriad of others as well in which the U S Supreme Court has considered the constitutionality of a wide range of issues involving voting and elections representation and political participation Practitioners and academics in both law and political science examine a number of court actions that directly affect how we choose those who govern us and how those decisions have affected our electoral politics constitutional doctrine and the fundamental concepts of democracy including racial redistricting term limits political patronage campaign finance regulations third party ballot access and state ballot initiatives limiting civil liberties Of the first edition CHOICE said The U S Supreme Court and the Electoral Process plumbs the Supreme Court s constitutive apolitical role as primary shaper of the electoral system and reveals the pervasive involvement of the Court in the political process

**Governance by Decree** Ruth P. Morgan, 2004 The Voting Rights Act of 1965 which originally was intended to prohibit barriers to black registration and voting has been hailed as a triumph for civil rights and as a catalyst for the election of minorities to public office in both the Deep South and the urban North To advance its objective federal courts instructed many cities to change from at large to single member district electoral systems as a way to ensure that minorities had a reasonable chance to elect representatives of their choice In the first book to critique the implementation of this landmark legislation in a major American city Ruth Morgan examines its effect on local governance over forty years in Dallas and shows that it had unintended consequences for racial politics representation and public policy Breaking from studies that measure the success of the VRA in terms of increased minority representation Morgan assesses the consequences of the Act for Dallas city government and for the wider interests of minorities as well While endorsing the original intent of the VRA Morgan believes that this intent was subverted by subsequent amendments to the Act and by the courts attempts to advance the political standing of particular minority groups She argues that court imposed single member districts have created in Dallas a city council infected with parochialism and careerism a result of members no longer having to compromise to win citywide votes and have had an adverse impact on governmental effectiveness and voter turnout With corruption and cronyism now rampant voting rights legislation and litigation have ultimately failed to fulfill the hopes and aspirations of the unempowered and the district system has created an incentive for continued racial separation Governance by Decree offers a pointed assessment of the complexities and contradictions produced by the voting rights law while at the same time calling for the federal judiciary to exercise restraint in imposing its will when it lacks the capacity to make choices that are inherently political Morgan s powerfully argued case study should inspire much debate and inform forthcoming congressional deliberations over the

renewal of the preclearance section of the VRA in 2007      Shades of Freedom A. Leon Higginbotham Jr., 1998-06-11 Few individuals have had as great an impact on the law both its practice and its history as A. Leon Higginbotham Jr. A winner of the Presidential Medal of Freedom, the nation's highest civilian honor, he has distinguished himself over the decades both as a professor at Yale, the University of Pennsylvania, and Harvard and as a judge on the United States Court of Appeals. But Judge Higginbotham is perhaps best known as an authority on racism in America, not the least important achievement of his long career has been *In the Matter of Color*, the first volume in a monumental history of race and the American legal process. Published in 1978, this brilliant book has been hailed as the definitive account of racism, slavery, and the law in colonial America. Now, after twenty years, comes the long-awaited sequel. In *Shades of Freedom*, Higginbotham provides a magisterial account of the interaction between the law and racial oppression in America from colonial times to the present, demonstrating how the one agent that should have guaranteed equal treatment before the law, the judicial system, instead played a dominant role in enforcing the inferior position of blacks. The issue of racial inferiority is central to this volume, as Higginbotham documents how early white perceptions of black inferiority slowly became codified into law. Perhaps the most powerful and insightful writing centers on a pair of famous Supreme Court cases which Higginbotham uses to portray race relations at two vital moments in our history. The *Dred Scott* decision of 1857 declared that a slave who had escaped to free territory must be returned to his slave owner. Chief Justice Roger Taney, in his notorious opinion for the majority, stated that blacks were so inferior that they had no right which the white man was bound to respect. For Higginbotham, Taney's decision reflects the extreme state that race relations had reached just before the Civil War. And after the War and Reconstruction, Higginbotham reveals the Courts showed a pervasive reluctance, if not hostility, toward the goal of full and equal justice for African Americans, and this was particularly true of the Supreme Court. And in the *Plessy v. Ferguson* decision, which Higginbotham terms one of the most catastrophic racial decisions ever rendered, the Court held that full equality in schooling or housing, for instance, was unnecessary as long as there were separate but equal facilities. Higginbotham also documents the eloquent voices that opposed the openly racist workings of the judicial system from Reconstruction Congressman John R. Lynch to Supreme Court Justice John Marshall Harlan to W. E. B. Du Bois, and he shows that ironically it was the conservative Supreme Court of the 1930s that began the attack on school segregation and overturned the convictions of African Americans in the famous *Scottsboro* case. But today racial bias still dominates the nation. Higginbotham concludes, as he shows how in six recent court cases, the public perception of black inferiority continues to persist. In *Shades of Freedom*, a noted scholar and celebrated jurist offers a work of magnificent scope, insight, and passion. Ranging from the earliest colonial times to the present, it is a superb work of history and a mirror to the American soul.      *Historical Dictionary of the 1960s* James S. Olson, 1999-12-30 Few eras in U.S. history have begun with more optimistic promise and ended in more pessimistic despair than the 1960s. When JFK became president in 1960, the U.S. was the hope of the world. Ten years later, American power

abroad seemed wasted in the jungles of Indochina and critics at home cast doubt on whether the U S was really the land of the free and the home of the brave This book takes an encyclopedic look at the decade at the individuals who shaped the era the civil rights movement the antiwar movement the women s movement and the youth rebellion It covers the political military social cultural religious economic and diplomatic topics that made the 1960s a unique decade in U S history

**Voting in America** Robert E. DiClerico, 2004-05-25 A thorough examination of the people forces and events that have shaped the right opportunity and value of the vote in America from 1715 to the present Despite the successful struggles of women blacks soldiers and other minorities to secure suffrage voter turnout in America is among the lowest in westernized countries *Voting in America A Reference Handbook* surveys the history of voting examining how it has evolved since Colonial times This book focuses on how various legal constitutional and social barriers such as the Voter Accessibility for the Elderly and Handicapped Act the Motor Voter Act and the 23rd Amendment have impacted the right to vote It also focuses on what controversies such as the two party monopoly and financial influence still remain The only book to consider the rise in voting opportunities for Americans also explores factors affecting the value of the vote such as redistricting term limits and low voter turnout

*The Constitution of Electoral Speech Law* Brian K. Pinaire, 2008-03-20 Bush v Gore brought to the public s attention the significance of election law and the United States Supreme Court s role in structuring the rules that govern how campaigns and elections function in America In this book Brian K Pinaire examines one expanding domain within this larger legal context freedom of speech in the political process or what he terms electoral speech law Specifically Pinaire examines the Court s evolving conceptions of free speech in the electoral process and then traces the consequences of various debates and determinations from the post World War II era to the present In his analysis of the broad range of cases from this period supplemented by four recent case study investigations Pinaire explores competing visions of electoral expression in the marketplace of ideas various methods for analyzing speech dilemmas the multiple influences that shape the justices notions of both the potential for and privileged status of electoral communication and the ultimate implications of these Court rulings for American democracy

**The State of the Parties** John Clifford Green, Daniel J. Coffey, 2007 Every four years The State of the Parties brings readers up to date on party action in election years and in between With the dual themes of polarization and innovation characterizing the new edition this essential party primer includes four new chapters on party resources a greatly expanded section on public opinion coverage of party efforts to mobilize the youth vote thirteen new chapters covering topics ranging from the Bipartisan Campaign Reform Act to Deaniacs and Democrats to The Rise of the Right and as always a distinguished roster of contributors

The Supreme Court and Election Law Richard Hasen, 2006-03 In the first comprehensive study of election law since the Supreme Court decided Bush v Gore Richard L Hasen rethinks the Court s role in regulating elections Drawing on the case files of the Warren Burger and Rehnquist courts Hasen roots the Court s intervention in political process cases to the landmark 1962 case Baker v Carr The case opened the courts to a variety of

election law disputes to the point that the courts now control and direct major aspects of the American electoral process The Supreme Court does have a crucial role to play in protecting a socially constructed core of political equality principles contends Hasen but it should leave contested questions of political equality to the political process itself Under this standard many of the Court's most important election law cases from Baker to Bush have been wrongly decided Justice Sandra Day O'Connor Nancy Maveety,1996 This work analyses the judicial contributions of Justice Sandra Day O'Connor the first woman to sit on the US Supreme Court It describes how she used accommodationist decision making strategies to influence the development of both constitutional law and the Court's norms of collegiality from publisher description **Superintending Democracy** Christopher P. Banks,John Clifford Green,2001 This timely book is a diverse collection of essays by nationally recognized scholars politicians and lawyers that challenges the popular myth that the U S Supreme Court is an apolitical institution It analyzes the manner in which the U S Supreme Court superintends the electoral process through its judicial decision making As a provocative study of the intersection between law and politics it considers whether the nation's highest court as an inherently undemocratic and counter majoritarian political institution should enter the so called political thicket and decide legal disputes concerning political corruption campaign finance political parties patronage and redistricting Because there are few books on the U S Supreme Court and its impact on American electoral politics Superintending Democracy is a welcome addition to social science and legal scholarship It is a book for political scientists legal scholars and students who are interested in learning about American politics constitutional law or the political nexus between law and courts American Political Leaders, Third Edition Richard Wilson,2021-10-01 Praise for previous editions accessible this book is an excellent addition to collections serving general readers high schools and undergraduates American Reference Books Annual This readable volume is recommended for high school public and undergraduate libraries Booklist an outstanding reference tool Biographical dictionaries abound in political science as in other fields but Wilson's work is more accessible benefitting from his straightforward approach and simpler organization Highly recommended Choice Recommended Library Media Connection an authoritative and readable guide serves as a helpful resource for high school college and public libraries Christian Library Journal American Political Leaders Third Edition contains 286 biographical profiles of men and women in the United States who have demonstrated their political leadership primarily by being elected nominated or appointed to significant political offices in the United States or by having attained some special prominence associated with political leadership This reference work provides students and general readers with a concise readable guide to present and past leaders in U S politics Included in this book are presidents vice presidents major party candidates for president significant third party candidates important Supreme Court justices Speakers of the U S House of Representatives senators representatives cabinet officers significant agency heads and diplomats Since much of U S political leadership involves the representation of successive waves of new groups within the U S political system special care has been taken to

include the contributions of women Native Americans African Americans Hispanic Americans Asian Americans and Americans who represented earlier waves of immigrants to the United States Profiles include John Adams president vice president diplomat Revolutionary leader author Amy Coney Barrett justice of the Supreme Court Pete Buttigieg secretary of transportation candidate for president Andrew Cuomo governor of New York Jefferson Davis secretary of war senator representative president of the Confederate States of America Kamala Harris senator vice president John Lewis civil rights activist representative Gavin Newsom governor of California Barack Obama senator president Sonia Sotomayor associate justice of the Supreme Court Elizabeth Warren senator candidate for president

Handbook of Party Politics Richard S Katz, William J Crotty, 2006-01-05 This thoughtful and wide ranging review of parties and party research contains contributions from many of the foremost party scholars and is a must for all library shelves Richard Luther Keele University The study of political parties has never been livelier and this genuinely international Handbook theoretically rich comparatively informed and focused on important questions defines the field This volume is both an indispensable summary of what we know and the starting point for future research R K Carty University of British Columbia Political parties are ubiquitous but their forms and functions vary greatly from regime to regime from continent to continent and from era to era The Handbook of Party Politics captures this variation and richness in impressive ways The editors have assembled an excellent team and the scope of the volume is vast and intriguing Kaare Strom University of California San Diego Political parties are indispensable to democracy and a central subject of research and study in political science around the world This major new handbook is the first to comprehensively map the state of the art in contemporary party politics scholarship The Handbook is designed to provide an invaluable survey of the major theories and approaches in this dynamic area of study and research give students and researchers a concise road map to the core literatures in all the sub fields of party related theorizing and research identify the theories approaches and topics that define the current cutting edge of the field The Handbook is comparative in overall approach but also addresses some topics to be addressed in nationally or regionally specific ways The resulting collaboration has brought together the world s leading party theorists to provide an unrivalled resource on the role of parties in the pressing contemporary problems of institutional design and democratic governance today

Felony Disenfranchisement in America Katherine Irene Pettus, 2013-04-01 State felony disenfranchisement laws that date back to Reconstruction fracture the American electorate into those who are citizens in the fullest sense of the term in Aristotle s words and those who are deprived of political voice still have the status of slaves The existence of this invisible constituency approximately 5.8 million or 2.5% of the national voting population who live alongside the ruling enfranchised electorate is one of the scandals of our generation In this second edition of Felony Disenfranchisement in America Katherine Irene Pettus draws on philosophy history law and punishment theory to make the compelling argument that state disenfranchisement policies have collective moral and political significance that transcends the personal tragedy of being



legally deprived of full citizenship status Pettus argues that the war on drugs mass incarceration and racially unbalanced disenfranchisement rates distort and disfigure the body politic as a whole and undermine the legitimacy of the domestic and foreign policies promulgated by our elected representatives     *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

**Crucible of Liberty** Raymond Arsenault,2010-05-11 The adoption of the Bill of Rights in 1791 marked the creation of a uniquely innovative mechanism for constitutional change by which Americans have continued to renew and redefine their governance over a two hundred year period Now in time for the bicentennial celebration of this great document seven distinguished scholars combine their expertise to explore the history and contemporary meaning of these first ten amendments to the Constitution     *The Pioneers of Judicial Behavior* Nancy L. Maveety,2009-11-16 Examines the contributions of the pioneers of research into judicial behavior

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## **Table of Contents Representation Rights And The Burger Years**

1. Understanding the eBook Representation Rights And The Burger Years
  - The Rise of Digital Reading Representation Rights And The Burger Years
  - Advantages of eBooks Over Traditional Books
2. Identifying Representation Rights And The Burger Years
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Representation Rights And The Burger Years
  - User-Friendly Interface
4. Exploring eBook Recommendations from Representation Rights And The Burger Years
  - Personalized Recommendations
  - Representation Rights And The Burger Years User Reviews and Ratings
  - Representation Rights And The Burger Years and Bestseller Lists
5. Accessing Representation Rights And The Burger Years Free and Paid eBooks
  - Representation Rights And The Burger Years Public Domain eBooks
  - Representation Rights And The Burger Years eBook Subscription Services
  - Representation Rights And The Burger Years Budget-Friendly Options

6. Navigating Representation Rights And The Burger Years eBook Formats
  - ePub, PDF, MOBI, and More
  - Representation Rights And The Burger Years Compatibility with Devices
  - Representation Rights And The Burger Years Enhanced eBook Features
7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Representation Rights And The Burger Years
  - Highlighting and Note-Taking Representation Rights And The Burger Years
  - Interactive Elements Representation Rights And The Burger Years
8. Staying Engaged with Representation Rights And The Burger Years
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Representation Rights And The Burger Years
9. Balancing eBooks and Physical Books Representation Rights And The Burger Years
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Representation Rights And The Burger Years
10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
11. Cultivating a Reading Routine Representation Rights And The Burger Years
  - Setting Reading Goals Representation Rights And The Burger Years
  - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Representation Rights And The Burger Years
  - Fact-Checking eBook Content of Representation Rights And The Burger Years
  - Distinguishing Credible Sources
13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
14. Embracing eBook Trends
  - Integration of Multimedia Elements

- Interactive and Gamified eBooks

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