

Lecture 1 . January 26, 2023

American Politics and the Law

Introduction : Constitutional foundations.

1. Myths and realities

Many of the most widely held myths about American government concern the American Constitution and its Framers. Because the **US Constitution** plays such a significant role in the American system we can begin our exploration of American politics by **focusing on the myths and the realities** associated with this document.

There are many myths about the Framers of the Constitution, some are very flattering. For instance one commentator called **the Framers** *"the most distinguished group which has ever gathered on this continent"*. Others have painted a less flattering picture of the Framers as a gathering of *anti-Democratic and self-serving members of America's elite*.

What is the reality behind these pictures of the framers? Who were these men? We know there were 55 of them, they began arriving in Philadelphia in May 1787, they are also called the **Founding Fathers** among them were merchants, physicians, bankers, planters and soldiers, their average age was 43, with the youngest at 26 (Jonathan Dayton of New Jersey) and the oldest Benjamin Franklin at 81. **Over half were trained in the law** and more than 2/3 had served in the Continental Congress which had governed the new nation during the Revolutionary War.

That summer they took part in a rare moment of **decisive political creation** they applied their knowledge and rare experience of government to **the design of a new constitution**.

The meeting in Philadelphia was convened because many of the country's political leaders saw the national government under the Articles of Confederation as not strong enough to cope with the young republic's problems.

Their goal was to revise the inadequacies of the Articles of Confederation. Written in 1777 and ratified in 1781 as America's first constitution the Articles of Confederation had established **a loose union of States** and a National Congress with few powers. By 1787 it was clear to many officials that the national government under the Articles could not conduct an effective foreign policy; even worse was the confederation's inability to deal with the nation's financial problems. *(under the Articles the National Congress had no power to tax)*

The delegates, mostly well-educated and wealthy, included at least two men of international reputation **George Washington and Benjamin Franklin**.

A popular and imposing figure, **George Washington** was unanimously elected to chair the meeting, he was a general of 50 years old and he contributed little to the conventions' debates but could enforce its strict rules because the delegates feared his anger.

Benjamin Franklin was well regarded by the other delegates and many constantly sought his opinions. At 81 years of age, even if his physical powers were failing him, and despite being well prepared for the meetings, he was not always attentive during the conventions' debates and rarely spoke. Nevertheless **his influence** helped in the eventual adoption of the document.

During the final days of the Convention he expressed his support by noting that *"whenever a group of men are gathered to write a Constitution, you inevitably assemble with*

Seasoned Judgements The American Constit

Bill Kauffman



Seasoned Judgements The American Constit:

Seasoned Judgments Leonard W. Levy, Leonard Levy's new book a compendium of his law review articles book chapters and basic shorter writings on themes with which he has long been identified is a treasure chest of sound and reasonable analysis of American constitutional history As one reviewer of the manuscript put matters There is not a clinker amongst them For anyone who thinks that liberal analysis has grown soft and flabby a good dose of Levy's book should set the record straight *Seasoned Judgments* is divided into three parts Rights Constitutional History and The Marshall Court In this progression from the general to the concrete Levy never ignores the context as well as the content of the judicial process Indeed it is this linkage that separates him from nearly all other commentators and writers on the subjects covered Whether discussing why the original Constitution lacked a Bill of Rights or why the Fourth Amendment uses the imperative form shall not rather than the conditional form ought not the reader enters a world of explanation rich in detail and careful scholarly elaboration Well known as editor in chief of the multivolumed *Encyclopedia of the American Constitution* this new volume extracts some of Levy's own contributions to that effort As a result one can for the first time gain a clear sense of the author's own profound sense of the major issues confronting American law from the founding fathers to the present The analysis of such still unresolved issues as flag desecration the exclusionary rule testimonial compulsion taxation without representation and the nature of the Constitution itself will be of tremendous appeal to historians and political scientists as well as attorneys and judges

God's Reflections Ronald Ian Phillips, Ernest Schmidt, David Grotzke, Seth Grotzke, 2022-04-07 Using a unique and ground breaking approach that combines religion with American history these four authors masterfully present a thoroughly researched and captivating account of fifty two inspirational stories of America's exceptionalism intricately woven with God's truths Each story connects the life giving honesty of the American people with a life shaping application from the gospel Individuals interested in the history of the United States or Christianity and looking for an overarching account of what unites us as Americans and believers will be enthralled by these inspiring stories of struggles and triumphs We are not the light just the reflection if we stand close enough to the Source The further we move away from God's will for our lives the more we stumble in the dark But as believers we know there is an all powerful force that will lift us up and help us to walk in the light The goal of *God's Reflections* Biblical Insight from America's Story is to draw Christians closer to the light source so they can radiate brighter in their service to God and their country and be part of the greatest rescue mission of all making disciples for Jesus Christ

Reconstructing the Fourth Amendment Andrew E. Taslitz, 2009-03 The modern law of search and seizure permits warrantless searches that ruin the citizenry's trust in law enforcement harms minorities and embraces an individualistic notion of the rights that it protects ignoring essential roles that properly conceived protections of privacy mobility and property play in uniting Americans Many believe the Fourth Amendment is a poor bulwark against state tyrannies particularly during the War on Terror Historical amnesia has obscured the Fourth Amendment's positive aspects

and Andrew E Taslitz rescues its forgotten history in *Reconstructing the Fourth Amendment* which includes two novel arguments First that the original Fourth Amendment of 1791 born in political struggle between the English and the colonists served important political functions particularly in regulating expressive political violence Second that the Amendment's meaning changed when the Fourteenth Amendment was created to give teeth to outlawing slavery and its focus shifted from primary emphasis on individualistic privacy notions as central to a white democratic polis to enhanced protections for group privacy individual mobility and property in a multi racial republic With an understanding of the historical roots of the Fourth Amendment suggests Taslitz we can upend negative assumptions of modern search and seizure law and create new institutional approaches that give political voice to citizens and safeguard against unnecessary humiliation and dehumanization at the hands of the police

The Establishment Clause Leonard W. Levy, 2017-03-01 Leonard Levy's classic work examines the circumstances that led to the writing of the establishment clause of the First Amendment Congress shall make no law respecting an establishment of religion He argues that contrary to popular belief the framers of the Constitution intended to prohibit government aid to religion even on an impartial basis He thus refutes the view of nonpreferentialists who interpret the clause as allowing such aid provided that the assistance is not restricted to a preferred church For this new edition Levy has added to his original arguments and incorporated much new material including an analysis of Jefferson's ideas on the relationship between church and state and a discussion of the establishment clause cases brought before the Supreme Court since the book was originally published in 1986

Encyclopedia of Constitutional Amendments, Proposed Amendments, and Amending Issues, 1789-2015 John R. Vile, 2015-07-20 Now in its fourth edition and completely updated this is the most comprehensive book on constitutional amendments and proposed amendments available Although only 27 amendments have ever been added to the U S Constitution the last one having been ratified in 1992 throughout American history members of Congress have introduced more than 11 000 amendments and countless individuals outside of Congress have advanced their own proposals to revise the Constitution the wellspring of America's legal political and cultural foundations At a time when calls for a new constitutional convention are on the rise it is essential for students of political science and history as well as American citizens to understand proposed alternatives This updated edition of the established standard for high school and college libraries as well as public and law libraries serves as the go to reference for learning about existing constitutional amendments proposed amendments and the issues related to them An alphabetically arranged two volume set it contains more than 500 entries that discuss amendments that have been proposed in Congress from 1789 to the present It also discusses prominent proposals for extensive constitutional changes introduced outside Congress as well as discussions of major amending issues

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 Tyranny of Good Intentions Paul Craig Roberts, Lawrence M. Stratton, 2008-03-25 In this updated and expanded edition of The Tyranny of Good Intentions Paul Craig Roberts and Lawrence M Stratton renew their valiant campaign to reclaim that which is rightly ours liberty protected by the rule of law They show how crusading legislators and unfair prosecutors are remaking American law into a weapon wielded by the government and how the erosion of the legal principles we hold dear such as habeas corpus and the prohibition against self incrimination is destroying the presumption of innocence A new introduction and new chapters cover recent marquee cases and make this provocative book essential reading for anyone who cringes at the thought of unbridled state power and sees our civil liberties slowly slipping away in the name of the War on Drugs the War on Crime and the War on Terror

The First Tycoon T. J. Stiles, 2009 From the award winning author of Jesse James Last Rebel of the Civil War comes the first full authoritative look at the life of Cornelius Vanderbilt the complex and combative man whose genius and force of will gave birth to modern capitalism

Regulating Our Constitutional Rights William B. Glidden, 2023-05-22 The author argues that we the people s rights under the Constitution as amended cannot be characterized as specific prohibitions against government Life liberty and property rights and the freedoms of religion speech and press for example are neither self defining nor precise Accordingly in our representative democracy the unelected unaccountable life tenured judges on the Supreme Court should defer to the laws of Congress affecting these rights absent a clear constitutional violation But the modern conservative Court has become increasingly willing to overturn the laws and policy choices of our nation s elected

representatives based on the judges political and ideological preferences Congress has the constitutional power to control the jurisdiction of the lower federal courts and the appellate jurisdiction of the Supreme Court but it has not chosen to exercise this power in any meaningful way to preserve and protect the American people s right to be governed by majoritarian rule

A License to Steal Leonard W. Levy, 2014-03-30 Leonard Levy traces the development and implementation of forfeiture and contends that it is a questionable practice which because it is so often abused serves only to undermine civil society Arguing that civil forfeiture is unconstitutional Levy provides examples of the victimization of innocent people and demonstrates that it has been used primarily against petty offenders rather than against its original targets members of organized crime

The Political Theory of the American Founding Thomas G. West, 2017-04-03 This book provides a complete overview of the American Founders political theory covering natural rights natural law state of nature social compact consent and the policy implications of these ideas The book is intended as a response to the current scholarly consensus which holds that the Founders political thought is best understood as an amalgam of liberalism republicanism and perhaps other traditions West argues that on the contrary the foundational documents overwhelmingly point to natural rights as the lens through which all politics is understood The book explores in depth how the Founders supposedly republican policies on citizen character formation do not contradict but instead complement their liberal policies on property and economics Additionally the book shows how the Founders embraced other traditions in their politics such as common law and Protestantism

The Constitutional Convention of 1787 John R. Vile, 2005-06-24 The first encyclopedic treatment of the personalities politics and events involved in drafting the U S Constitution This comprehensive treatment of all the personalities philosophies debates and compromises involved in drafting the U S Constitution is the first encyclopedic work on the subject compiling information into an easily accessible A Z format Biographies of all 55 delegates analysis of the competing political viewpoints procedural and substantive disputes along with a host of other details are all presented here Both the detail and the scholarship in this book are unmatched in any other work the encyclopedic presentation simply does not exist elsewhere Civil liberties the scope of authority of the three branches of government and other constitutional matters are increasingly at the forefront of public discussion Scholars citizens interested in self education and reference librarians faced with questions about the Constitution will find in this book all they require to answer their needs

Encyclopedia of Constitutional Amendments, Proposed Amendments, and Amending Issues, 1789-2023 John R. Vile, 2023-10-19 Written by a leading scholar of the constitutional amending process this two volume encyclopedia now in its fifth edition is an indispensable resource for students legal historians and high school and college librarians This authoritative reference resource provides a history and analysis of all 27 ratified amendments to the Constitution as well as insights and information on thousands of other amendments that have been proposed but never ratified from America s birth until the present day The set also includes a rich bibliography of informative books articles and other media related to constitutional amendments and

the amending process **Did Calvin Murder Servetus?** Stanford Rives, 2008-12-21 Rives details all the allegations whether Calvin as complainant witness and prosecutor in 1553 of Servetus for heresy murdered Servetus contrary to Calvin's own stated principles in Calvin's Institutes Forgotten Founder, Drunken Prophet Bill Kauffman, 2014-04-22 The Anti-Federalist Luther Martin of Maryland is known to us if he is known at all as the wild man of the Constitutional Convention a verbose frequently drunken radical who annoyed the hell out of James Madison George Washington Gouverneur Morris and the other giants responsible for the creation of the Constitution in Philadelphia that summer of 1787 In Bill Kauffman's rollicking account of his turbulent life and times Martin is still something of a fitfully charming reprobate but he is also a prophetic voice warning his heedless contemporaries and his amnesiac posterity that the Constitution whatever its devisers intentions would come to be used as a blueprint for centralized government and a militaristic foreign policy In Martin's view the Constitution was the tool of a counterrevolution aimed at reducing the states to ciphers and at fortifying a national government whose powers to tax and coerce would be frightening Martin delivered the most forceful and sustained attack on the Constitution ever levied a critique that modern readers might find jarringly relevant And Martin's post convention career though clouded by drink and scandal found him as defense counsel in two of the great trials of the age the Senate trial of the impeached Supreme Court justice Samuel Chase and the treason trial of his friend Aaron Burr Kauffman's Luther Martin is a brilliant and passionate polemicist a stubborn and admirable defender of a decentralized republic who fights for the principles of 1776 all the way to the last ditch and last drop In remembering this forgotten founder we remember also the principles that once animated many of the earliest and many later American patriots **The Great Debate** Rodney D. Scott, 1999 Fundamental Rights Milton R. Konvitz, 2001 One of the most important modern developments in American constitutional law has been the extension of the Bill of Rights to the states The most important guarantees of the first eight amendments have been incorporated into the Due Process Clause of the Fourteenth Amendment along with the doctrine that these are rights that are so fundamental that any restriction is subject to judicial strict scrutiny The process has nationalized fundamental rights giving them a preferred dignity and majesty In this volume the renowned constitutional scholar Milton Konvitz traces the development of fundamental rights from the early days of American jurisprudence through twentieth century cases involving the right to privacy racial discrimination voting rights censorship and abortion laws In Konvitz's astute view the Bill of Rights in the Constitution of the United States like the Ten Commandments places no priority among protected or guaranteed rights He argues that values ideals rights liberties and privileges need to be placed in a hierarchical order or scale The Supreme Court acting on a case by case basis has slowly and cautiously moved to designate some rights as superior to others This idea that some rights are of a fundamental nature while others are not can be traced back to the early days of the nation's government Konvitz shows that there may be said to be not one but two or even three bills of rights one for the Federal government and one for the States Still another may be an unwritten but evolving Bill of

Rights The Court has recognized rights or liberties that are in no written constitution as for example a right to marry a right to have a family a right to choose education of one s children in a private even a religious school rather than a public school In an illuminating fashion Konvitz whose writings have been cited in Supreme Court decisions traces the controversial and very uneven line of development of such fundamental rights This volume is likely the first book on the subject and a pioneering work in the history of American constitutional law Accessibly written for a general and scholarly audience it will be of particular interest to political scientists historians and constitutional scholars *Listening in* Susan Eva

Landau,2017-01-01 A cybersecurity expert and former Google privacy analyst s urgent call to protect devices and networks against malicious hackers New technologies have provided both incredible convenience and new threats The same kinds of digital networks that allow you to hail a ride using your smartphone let power grid operators control a country s electricity and these personal corporate and government systems are all vulnerable In Ukraine unknown hackers shut off electricity to nearly 230 000 people for six hours North Korean hackers destroyed networks at Sony Pictures in retaliation for a film that mocked Kim Jong un And Russian cyberattackers leaked Democratic National Committee emails in an attempt to sway a U S presidential election And yet despite such documented risks government agencies whose investigations and surveillance are stymied by encryption push for a weakening of protections In this accessible and riveting read Susan Landau makes a compelling case for the need to secure our data explaining how we must maintain cybersecurity in an insecure age

Program of the Annual Meeting - American Historical Association American Historical Association,1996 Some programs include also the programs of societies meeting concurrently with the association Originalism's Promise Lee J. Strang,2019-08-08 Provides the first natural law justification for an originalist interpretation of the American Constitution

The Top Books of the Year Seasoned Judgements The American Constit The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous compelling novels captivating the hearts of readers worldwide. Lets delve into the realm of bestselling books, exploring the fascinating narratives that have captivated audiences this year. Seasoned Judgements The American Constit : Colleen Hoover's "It Ends with Us" This poignant tale of love, loss, and resilience has captivated readers with its raw and emotional exploration of domestic abuse. Hoover masterfully weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can prevail. Uncover the Best : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This intriguing historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids absorbing storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Discover the Magic : Delia Owens "Where the Crawdads Sing" This evocative coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens spins a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These bestselling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of compelling stories waiting to be discovered. The novel begins with Richard Pape, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a brilliant and thrilling novel that will keep you guessing until the very end. The novel is a warning tale about the dangers of obsession and the power of evil.

https://pinsupreme.com/results/Resources/HomePages/Menstrual_Purity_Rabbinic_And_Christian_Reconstructions_Of_Biblical_Gender_Contraversions_Jews_And_Other_Differences.pdf

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web august wilson april 27 1945 october 2 2005 authored gem of the ocean joe turner s come and gone ma rainey s black bottom the piano lesson seven guitars fences two trains running jitney king hedley ii and radio golf

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web jul 17 2006 gem of the ocean is the play that begins it all set in 1904 pittsburgh it is chronologically the first work in august wilson s decade by decade cycle dramatizing the african american experience during the 20th century an unprecedented series that includes the pulitzer prize winning plays fences and the piano lesson

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web set in 1904 august wilson s gem of the ocean unfolds in the hill district home of aunt ester a 285 year old woman known for the ability to cleanse souls citizen barlow a recent transplant from the deep south arrives in pittsburgh searching for a new life

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web synopsis august wilson s century cycle begins in 1904 where we meet citizen barlow a bewildered newcomer to pittsburgh from the agrarian deep south citizen barlow arrives at aunt ester s house seeking her help and a safe place from caesar the local constable

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