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Packing the Courts



The Conservative
Campaign to Rewrite
the Constitution

Packing The Courts The Conservative Campaign To Rewrite The Constitution

Kurt Schuparra



Packing The Courts The Conservative Campaign To Rewrite The Constitution:

Packing the Courts Herman Schwartz, 1988 Herman Schwartz one of America's most brilliant liberal activist lawyers has been a staunch champion of human rights and civil liberties for almost three decades In this book he offers us a penetrating study of the conservative campaign to pack the courts with judges more identified by their ideological affiliations than for their skill or their regard for the Constitution It is in this campaign the most active of its kind in history that the Reagan administration has made a consistent effort to overturn Supreme Court rulings on abortion school prayer civil rights criminal justice and economic regulation Schwartz details many of the controversial judicial nominations of the Reagan years including those of such conservatives as Douglas Ginsberg William H Rehnquist Antonin Scalia and Sandra Day O'Connor Unlike most books on judicial nominations this book devotes equal attention to the trial and appellate courts describing the vital roles they play in the development and the application of American law After assessing the impact that packing the courts with right wing ideologies has had so far Schwartz contemplates what the future may hold as America begins its third century under the Constitution from Book Jacket

Packing the Court James Macgregor Burns, 2009-06-25 From renowned political theorist James MacGregor Burns an incisive critique of the overreaching power of an ideological Supreme Court For decades Pulitzer Prize winner James MacGregor Burns has been one of the great masters of the study of power and leadership in America In Packing the Court he turns his eye to the U S Supreme Court an institution that he believes has become more powerful and more partisan than the founding fathers ever intended In a compelling and provocative narrative Burns reveals how the Supreme Court has served as a reactionary force in American politics at critical moments throughout the nation's history and concludes with a bold proposal to rein in the court's power

Constitutional Politics in a Conservative Era Austin Sarat, 2008-05-05 Aims to bring together the work of leading scholars of Constitutionalism Constitutional law and politics in the United States to take stock of the field to chart its progress and point the way for its future development

Politics of Fear Manuel G. Gonzales, Richard Delgado, 2015-12-03 Lucidly written widely informed and uncompromisingly honest a valuable expose Michael Parenti Documents the stunning success of a network of wealthy donors and corporations in creating and sustaining a set of think tanks legal action groups and media strategies Gary Orfield Harvard University What explains the electoral success of Republicans particularly of the ascendant neoconservatives who now dominate the Party Based on a thorough and up to date examination of the New Right over twenty five years The Politics of Fear proposes some provocative answers including globalization new technologies and a far reaching network of right wing think tanks and foundations As the authors show all have opened the doors to a new politics of fear successfully waged by the neoconservatives By manipulating insecurity the New Right has created an extraordinarily successful populist conservative movement Utilizing extensive documentation the authors argue convincingly that the fear of immigrants and racial minorities has served as the most effective tactic in the GOP arsenal while their approach also implicates gays

feminists and terrorists The book explains why Americans have willingly supported a party that promises them security just as it delivers greater economic and political insecurity The authors argue that despite their striking political successes neoconservatives have delivered to voters a set of policies harmful to working Americans in the way of regressive tax measures military exploits tort reform deregulation and environmental destruction

Race-ing Justice, En-gendering Power Toni Morrison, 1992-10-06 It was perhaps the most wretchedly aspersive race and gender scandal of recent times the dramatic testimony of Anita Hill at the Senate hearings on the confirmation of Clarence Thomas as Supreme Court Justice Yet even as the televised proceedings shocked and galvanized viewers not only in this country but the world over they cast a long shadow on essential issues that define America In *Race ing Justice En gendering Power* Nobel Prize winner Toni Morrison contributes an introduction and brings together eighteen provocative essays all but one written especially for this book by prominent and distinguished academicians Black and white male and female These writings powerfully elucidate not only the racial and sexual but also the historical political cultural legal psychological and linguistic aspects of a signal and revelatory moment in American history With contributions by Homi K Bhabha Margaret A Burnham Kimberl Crenshaw Paula Giddings A Leon Higginbotham Jr Claudia Brodsky Lacour Wahneema Lubiano Manning Marable Nellie Y McKay Toni Morrison Nell Irvin Painter Gayle Pemberton Andrew Ross Christine Stansell Carol M Swain Michael Thelwell Kendall Thomas Cornel West Patricia J Williams

The Politics of Race Theodore Rueter, 2016-09-16 A study of the relationship between race and American politics organised around the institutions and processes of American government It includes readings by individuals like Bill Clinton Charles Hamilton and Carol Swain across a wide variety of ideological perspectives

Raw Judicial Power? Robert J. McKeever, 1995 Published here with a new chapter covering judgements from 1993 to 1995 Raw judicial power is established as the definitive analysis of the powerful forces shaping the United States Supreme Court today Robert J McKeever analyses the approach of the Court to the most pressing contemporary social issues such as capital punishment abortion race and affirmative action gender equality and religion sex and politics He shows how social policy initiatives in the US have often come from the judicial rather than the legislative branch of government leading to charges that the Supreme Court has been exercising raw judicial power He examines the policy decisions the Court has made and argues that the Court has increasingly jettisoned traditional notions of constitutional interpretation in order to tackle the conflicts in contemporary American society Students of American politics constitutional law and social policy will all find this book invaluable

Reconsidering Reagan Daniel S. Lucks, 2020-08-04 2021 Prose Award Finalist A long overdue and sober examination of President Ronald Reagan s racist politics that continue to harm communities today and helped shape the modern conservative movement Ronald Reagan is hailed as a transformative president and an American icon but within his twentieth century politics lies a racial legacy that is rarely discussed Both political parties point to Reagan as the right kind of conservative but fail to acknowledge his political attacks on people of color prior to and during his presidency

Reconsidering Reagan corrects that narrative and reveals how his views policies and actions were devastating for Black Americans and racial minorities and that the effects continue to resonate today Using research from previously untapped resources including the Black press which critically covered Reagan s entire political career Daniel S Lucks traces Reagan s gradual embrace of conservatism his opposition to landmark civil rights legislation his coziness with segregationists and his skill in tapping into white anxiety about race riding a wave of white backlash all the way to the Presidency He argues that Reagan has the worst civil rights record of any President since the 1920s including supporting South African apartheid packing courts with conservatives targeting laws prohibiting discrimination in education and housing and launching the War on Drugs which had cataclysmic consequences on the lives of Black and Brown people Linking the past to the present Lucks expertly examines how Reagan set the blueprint for President Trump and proves that he is not an anomaly but in fact the logical successor to bring back the racially tumultuous America that Reagan conceptualized Exit with Honor William E Pemberton,2015-03-04 Few presidents have sparked as much interest in recent years as Ronald Reagan already the subject of a large number of biographies and specialized subjects This biography based on recent research into the Reagan archives and synthesis of the large memoir literature explores the shaping of his values and beliefs during his childhood in the American heartland his leadership of the American conservative movement and his successful political career culminating in the first two term presidency since Dwight Eisenhower Pemberton finds Reagan s personal career and ability to understand and communicate with the American people admirable but finds many of the long term effects of his presidency harmful

Judicial Review and American Conservatism Robert Daniel Rubin,2017-03-20 The Christian Right of the 1980s forged its political identity largely in response to what it perceived as liberal judicial activism Robert Daniel Rubin tells this story as it played out in Mobile Alabama There a community conflict pitted a group of conservative evangelicals a sympathetic federal judge and a handful of conservative intellectuals against a religious agnostic opposed to prayer in schools and a school system accused of promoting a religion called secular humanism The twists in the Mobile conflict speak to the changes and continuities that marked the relationship of 1980s religious conservatism to democracy the courts and the Constitution By alternately focusing its gaze on the local conflict and related events in Washington DC this book weaves a captivating narrative Historians political scientists and constitutional lawyers will find in Rubin s study a challenging new perspective on the history of the Christian Right in the United States *Judicial Decision Making* Lawrence Wrightsman,1999-07-31 In the mid 1970s as a social psychologist dedicated to the application of knowledge I welcomed our field s emerging interest in the legal system I have always been fascinated by jury trials something about the idea that two conceptions of the truth were in irrevocable conflict and jurors could choose only one of them More important the criminal justice system is a major social force that has been ignored by social psychologists for most of the twentieth century As I systematically began to explore the applications of social psychological concepts to the law 20 years ago I experienced the delight of discovery similar to that of

a child under a Christmas tree It has been satisfying to be among the cohort of researchers who have studied the legal system especially trial juries from a psychological perspective I believe we have learned much that would be useful if the system were to be revised Hlf the system were to be revised there s the rub As I have stated my original motivation was the application of knowledge Like other social scien tists I believed perhaps arrogantly that the results of our research efforts could be used to make trial juries operate with more efficiency accuracy and satisfaction Over the last two decades much knowledge has accumulated How can we put this knowledge to work Judges are the gatekeepers of the legal system ABA Journal ,1988-08-01 The ABA Journal serves the legal profession Qualified recipients are lawyers and judges law students law librarians and associate members of the American Bar Association **Between Law and Politics** Richard Jr.

Pacelle,2003-03-04 At the intersection of law and politics stands the U S Solicitor General Although even the informed public rarely thinks of the solicitor general in relation to the major issues that have challenged American society this office actually has considerable control over the cases the Supreme Court addresses To bring the Office of Solicitor General OSG out of the shadows and into the clear light of public attention **Between Law and Politics** looks at three hotly contested policy areas race gender and reproductive rights to see how the office balances the goals of the president Congress and the Supreme Court The OSG is charged with helping the Supreme Court build a coherent doctrine and imposing some stability on the law At the same time the solicitor general is a presidential appointee Deciding which cases to appeal arguing those cases before the Supreme Court and filing friendofthecourt briefs means the solicitor general plays an important role in furthering the policy objections of the current administration Therein lies the tension between law and politics that is at the heart of the calculations the solicitor general makes on a daily basis Using interviews with solicitors general and their staffs members of the Department of Justice and others and analyzing Supreme Court cases beginning with the Truman administration Richard Pacelle shows how the OSG balances the competing forces in its environment His analysis is undergirded by aggregate analysis of the data gathered This detailed and systematic study will be of great interest to those who study the Supreme Court the presidency and public policy It is unique in its close examination of a number of particular areas of law and the strength and persuasiveness of its analysis of the competing constituencies that face the Office of the Solicitor General The timeliness and controversial nature of the policy areas Pacelle examines give the book further importance to students of American politics **The Politics of Justice** Cornell W. Clayton,2015-06-18 First Published in 2015 This series on American Political Institutions and Public Policy intends to examine contemporary U S political developments and to discern their impact on issues of public policy Cornell W Clayton s **The Politics of Justice** The Attorney General and the Making o f Legal Policy is the second publication in the series It is a fascinating study of politics and governance how one government affects the other and how both affect public policy Surveying the historical evolution of the office of the Attorney General Clayton sees significant recent changes in the role position and influence of the person who holds that office **The Rule of Law in**

Nascent Democracies Rebecca Bill Chavez, 2004 This book explains how the rule of law emerges and how it survives in nascent democracies The question of how nascent democracies construct and fortify the rule of law is fundamentally about power By focusing on judicial autonomy a key component of the rule of law this book demonstrates that the fragmentation of political power is a necessary condition for the rule of law In particular it shows how party competition sets the stage for independent courts Using case studies of Argentina at the national level and of two neighboring Argentine provinces San Luis and Mendoza this book also addresses patterns of power in the economic and societal realms The distribution of economic resources among members of a divided elite fosters competitive politics and is therefore one path to the requisite political fragmentation Where institutional power and economic power converge a reform coalition of civil society actors can overcome monopolies in the political realm

Rise and Triumph of the California Right, 1945-66 Kurt Schuparra, 2016-09-16 In this the first book to deal exclusively with conservative politics in California author Kurt Schuparra pinpoints the myriad factors that led to the formation and rise of the conservative movement in California after World War II culminating in the election of Ronald Reagan as governor in 1966 While Schuparra is concerned with prominent figures such as Ronald Reagan California senator William Knowland Richard Nixon and Arizona senator Barry Goldwater his larger interest is in the principal players in the movement behind these individuals the causes they espoused and the movement's role in pivotal electoral contests Schuparra also provides an assessment of how the struggle between liberals and conservatives and those caught in the middle in the Golden State both reflected and influenced the national debate over major governmental policies and social issues particularly on racial matters

Routledge Handbook of Judicial Behavior Robert M. Howard, Kirk A. Randazzo, 2017-10-02 Interest in social science and empirical analyses of law courts and specifically the politics of judges has never been higher or more salient Consequently there is a strong need for theoretical work on the research that focuses on courts judges and the judicial process The Routledge Handbook of Judicial Behavior provides the most up to date examination of scholarship across the entire spectrum of judicial politics and behavior written by a combination of currently prominent scholars and the emergent next generation of researchers Unlike almost all other volumes this Handbook examines judicial behavior from both an American and Comparative perspective Part 1 provides a broad overview of the dominant Theoretical and Methodological perspectives used to examine and understand judicial behavior Part 2 offers an in depth analysis of the various current scholarly areas examining the U S Supreme Court Part 3 moves from the Supreme Court to examining other U S federal and state courts and Part 4 presents a comprehensive overview of Comparative Judicial Politics and Transnational Courts Each author in this volume provides perspectives on the most current methodological and substantive approaches in their respective areas along with suggestions for future research The chapters contained within will generate additional scholarly and public interest by focusing on topics most salient to the academic legal and policy communities

Racism in the United States Meyer Weinberg, 1990-05-21 This volume represents the most

comprehensive book length bibliography on the subject of racism available in the United States Compiler Meyer Weinberg has surveyed a wide ranging group of material and classified it under 87 subject headings drawing on articles books congressional hearings and reports theses and dissertations research reports and investigative journalism Historical references cover the long history of racism while the heightened awareness and activity of the recent past is also addressed in detail In addition to works that fit the narrow definition of racism as a mode of oppression or group denial of rights based on color Weinberg includes references dealing with sexism antisemitism economic exploitation and similar forms of dehumanization References are grouped under a series of subject headings that include Civil Rights Desegregation Housing Socialism and Racism Unemployment and Violence against Minorities Items which do not have self explanatory titles are annotated and virtually every section is thoroughly cross referenced Also included is one section of carefully selected references on racism in countries other than the United States Unlike the remainder of the book this section is not comprehensive but rather provides an opportunity to view racism comparatively The volume concludes with an author index This work will be a significant addition to both academic and public libraries as well as an important resource for courses in racism sociology and black history

Battle for Justice Ethan Bronner, 2007 When President Reagan nominated Robert Bork to the Supreme Court it was the spark that fueled a months long firestorm during which liberals and conservatives battled fiercely over Reagan s choice each trying to gain control of the nation s judicial future The American public captivated by this struggle for power weighed in with an unprecedented outpouring of mail and telephone calls to the United States Senate arguing both pro and con positions Based on scores of interviews with key figures and a shrewd analysis of the issues then Boston Globe reporter Ethan Bronner chronicles this engrossing story of a titanic struggle for political power It features key players such as Senators Joseph Biden and Edward Kennedy with the latter leading the fight against the appointment using savvy Madison Avenue style strategies a Justice Department desperate to hold its ground a shocked White House staff caught off guard and of course Bork himself who insisted that the process of confirming justices for our nations highest court has been transformed in a way that should not and indeed must not be permitted to occur again Featuring a new epilogue Where Are They Now

Learning from the Federal Market?Based Reforms William J. Mathis, Tina M. Trujillo, 2016-06-01 Over the past twenty years educational policy has been characterized by top down market focused policies combined with a push toward privatization and school choice The new Every Student Succeeds Act continues along this path though with decision making authority now shifted toward the states These market based reforms have often been touted as the most promising response to the challenges of poverty and educational disenfranchisement But has this approach been successful Has learning improved Have historically low scoring schools turned around or have the reforms had little effect Have these narrow conceptions of schooling harmed the civic and social purposes of education in a democracy This book presents the evidence Drawing on the work of the nation s most prominent researchers the book explores the major elements of these

reforms as well as the social political and educational contexts in which they take place It examines the evidence supporting the most common school improvement strategies school choice reconstitutions or massive personnel changes and school closures From there it presents the research findings cutting across these strategies by addressing the evidence on test score trends teacher evaluation miracle schools the Common Core State Standards school choice the newly emerging school improvement industry and re segregation among others The weight of the evidence indisputably shows little success and no promise for these reforms Thus the authors counsel strongly against continuing these failed policies The book concludes with a review of more promising avenues for educational reform including the necessity of broader societal investments for combatting poverty and adverse social conditions While schools cannot single handedly overcome societal inequalities important work can take place within the public school system with evidence based interventions such as early childhood education detracking adequate funding and full service community schools all intended to renew our nation s commitment to democracy and equal educational opportunity

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