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KEY=THE - GILL TURNER

Defence of the National Democracy Against the Attack of Judge Douglas-Constitutional Rights of the States Speech of Hon. J. P. Benjamin, of La., Delivered in the Senate of the United States, May 22, 1860 (Classic Reprint) Forgotten Books *Excerpt from Defence of the National Democracy Against the Attack of Judge Douglas-Constitutional Rights of the States: Speech of Hon. J. P. Benjamin, of La., Delivered in the Senate of the United States, May 22, 1860 Mr. Benjamin. He says there were fifteen delegates from new Yorkalonerwhaweresteadyr persistent Opponents of Mr. Deuetxs; yet'those votes were cast for him. There was a minority in Indiana; but those votes were cast for him. There were minorities in other States, which I added up; and instead of having a majority of the delegates of the Democratic party through out the United States ih his favor, Mr. Douglas was in a lean minority of but one-third of the delegates, and that one-third exclusively from Republican States. The whole Democratic party of the United States, as its Democratic electoral votes will testify, was Opposedto him unani mously. Mr. Butler says so. My friend from Minnesota [mr. Rice] has 'just handed me the extract in the Constitution of this morning; and I will read not the whole of it, but*

portions of It, and if I am wrong in my memory as to fifteen, I give up. About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books. Find more at www.forgottenbooks.com This book is a reproduction of an important historical work. Forgotten Books uses state-of-the-art technology to digitally reconstruct the work, preserving the original format whilst repairing imperfections present in the aged copy. In rare cases, an imperfection in the original, such as a blemish or missing page, may be replicated in our edition. We do, however, repair the vast majority of imperfections successfully; any imperfections that remain are intentionally left to preserve the state of such historical works.

Defence of the National Democracy Against the Attack of Judge Douglas; Constitutional Rights of the States Hardpress Publishing Unlike some other reproductions of classic texts (1) We have not used OCR(Optical Character Recognition), as this leads to bad quality books with introduced typos. (2) In books where there are images such as portraits, maps, sketches etc We have endeavoured to keep the quality of these images, so they represent accurately the original artefact. Although occasionally there may be certain imperfections with these old texts, we feel they deserve to be made available for future generations to enjoy.

Defence of the National Democracy Against the Attack of Judge Douglas Constitutional Rights of the States Defence of the National Democracy Against the Attack of Judge Douglas -- Constitutional Rights of the States. Speech of Hon. J.P. Benjamin, of Louisiana. Delivered in the United States Senate, May 22, 1860 Defence of the National Democracy Against the Attack of Judge Douglas Constitutional Rights of the States Constitutional Rights in the Public Sector: Justice Douglas on Liberty in the Welfare State Supreme Court Statecraft The Rule of Law and Men Iowa State Press This volume contains 30 provocative essays, previously published in political science and law journals, on the abiding problems of American constitutional law. Mendelson organizes them under the headings: "The Judge's Art," "Freedom of Expression," and "The Path of the Law." The book includes thoughts on the American Constitution, the behavior of judges, and other judicial matters, such as James B. Thayer's influence on Holmes, Brandeis and Frankfurter; Justice Hugo Black's distrust of judicial discretion; Justice Douglas' views on the government by the judiciary and on adjudication of constitutional issues; the Bill of Rights; the Fourteenth Amendment; due process of law; and the Equal Rights Amendment. ISBN 0-8138-1047-7 : \$21.95.

Defence of the National Democracy Against the Attack of Judge Douglas-- Constitutional Rights of the States. Speech of Hon. J. P. Benjamin, of Louisiana. Delivered in the Senate of the United States, May 22, 1860 Palala Press This work has been selected by scholars as being culturally important, and is part of the knowledge base of civilization as we know it. This work was reproduced from the original artifact, and remains as true to the original work as possible. Therefore, you will see the original copyright references, library stamps (as most of these works have been housed in our most important libraries around the world), and other notations in the work. This work is in the public domain in the United States of America, and possibly other nations. Within the United States, you may freely copy and distribute this work, as no entity (individual or corporate) has a copyright on the body of the work. As a reproduction of a historical artifact, this work

may contain missing or blurred pages, poor pictures, errant marks, etc. Scholars believe, and we concur, that this work is important enough to be preserved, reproduced, and made generally available to the public. We appreciate your support of the preservation process, and thank you for being an important part of keeping this knowledge alive and relevant. **Defence of the National Democracy Against the Attack of Judge Douglas--Constitutional Rights of the States. Speech of Hon. J. P. Benjamin, of Louisiana. Delivered in the Senate of the United States, May 22, 1860 Palala Press** This work has been selected by scholars as being culturally important, and is part of the knowledge base of civilization as we know it. This work was reproduced from the original artifact, and remains as true to the original work as possible. Therefore, you will see the original copyright references, library stamps (as most of these works have been housed in our most important libraries around the world), and other notations in the work. This work is in the public domain in the United States of America, and possibly other nations. Within the United States, you may freely copy and distribute this work, as no entity (individual or corporate) has a copyright on the body of the work. As a reproduction of a historical artifact, this work may contain missing or blurred pages, poor pictures, errant marks, etc. Scholars believe, and we concur, that this work is important enough to be preserved, reproduced, and made generally available to the public. We appreciate your support of the preservation process, and thank you for being an important part of keeping this knowledge alive and relevant. **The Great Justices, 1941-54 Black, Douglas, Frankfurter, and Jackson in Chambers University of Michigan Press** The Great Justices offers a revealing glimpse of a judicial universe in which titanic egos often clash, and comes as close as any book ever has to getting inside the minds of Supreme Court jurists. This is rare and little-examined territory: in the public consciousness the Supreme Court is usually seen as an establishment whose main actors, the justices, remain above emotion, vitriol, and gossip, the better to interpret our nation of laws. Yet the Court's work is always an interchange of ideas and individuals, and the men and women who make up the Court, despite or because of their best intentions, are as human as the rest of us. Appreciating that human dimension helps us to discover some of the Court's secrets, and a new way to understand the Court and its role. Comparing four brilliant but very different jurists of the Roosevelt Court-Hugo Black, William O. Douglas, Felix Frankfurter, and Robert Jackson-William Domnarski paints a startling picture of the often deeply ambiguous relationship between ideas and reality, between the law and the justices who interpret and create it. By pulling aside the veil of decorous tradition, Domnarski brings to light the personalities that shaped one of the greatest Courts of our time-one whose decisions continue to affect judicial thinking today. William Domnarski is the author of *In the Opinion of the Court* (1996), a study of the history and nature of federal court judicial opinions. He holds a J.D. from the University of Connecticut and a Ph.D. in English from the University of California. Domnarski currently practices law in California, where he is also working on a forthcoming biography of legendary Hollywood lawyer Bert Fields. **Defence Of The National Democracy Against The Attack Of Judge Douglas -- Constitutional Rights Of The States. Speech Of Hon. J.p. Benjamin, Of Louisiana. Delivered In The United States Senate, May 22, 1860 Wentworth Press** This work has been selected by scholars as being

culturally important, and is part of the knowledge base of civilization as we know it. This work was reproduced from the original artifact, and remains as true to the original work as possible. Therefore, you will see the original copyright references, library stamps (as most of these works have been housed in our most important libraries around the world), and other notations in the work. This work is in the public domain in the United States of America, and possibly other nations. Within the United States, you may freely copy and distribute this work, as no entity (individual or corporate) has a copyright on the body of the work. As a reproduction of a historical artifact, this work may contain missing or blurred pages, poor pictures, errant marks, etc. Scholars believe, and we concur, that this work is important enough to be preserved, reproduced, and made generally available to the public. We appreciate your support of the preservation process, and thank you for being an important part of keeping this knowledge alive and relevant. **Remarks on Popular Sovereignty As Maintained and Denied Respectively by Judge Douglas, and Attorney-General Black (Classic Reprint) Forgotten Books** Excerpt from *Remarks on Popular Sovereignty: As Maintained and Denied Respectively by Judge Douglas, and Attorney-General Black* And guarantees which have been provided for the protection of private property against the encroachments of the gov and, after referring to the fugitive clause as expressly affirming the right Of property in a slave, the Chief Justice thus concludes: And no word can be found in the Constitution which gives congress greater power over slave property, OR which entitles property OF that kind TO less protection than property OF any other description. All, therefore, that the Court has decided, is that slaves are property, as much so as any thing else that may be owned by man, and that such property is entitled to the same - not to less or greater - constitutional guarantees as any other description of property. This being Obviously the doctrine of the Court, it necessarily follows, that whatever a constitutional government can do in regard to any other kind Of property, it can do in regard to this. If any other kind may be excluded, this may be excluded; if any other kind may be more, or less, or not at all protected by legislation, the same is true as to this. If any other, after its legal introduction, can be, upon public grounds, excluded or abolished, it is also the case as to this. It is but sameness, identity of title and protection, which the Court maintains, not inferior or paramount - that all stand on the same footing, liable alike to the same restrictions and limitations, and entitled to the same guarantees. What is there in this species of property to exempt it from territorial legislative power? What is there, to make it the peen liar and single duty of such a power to legislate for its admission or protection? If it be but property, and, as such, only embraced by constitutional guarantees, it must Share the condition of all other property, and therefore be subject to the legislative power. If this is not true, the territorial State would be almost without laws, -be one of nature. The peace and prosperity of the people depend upon laws defining and regulating property. Without such a power, property itself Would be in a great degree out of the pale of protection. But if the power exists, it must depend upon those who possess it, how they will, in any particular. About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books. Find more at www.forgottenbooks.com This book is a reproduction of an important historical work. Forgotten Books uses state-of-the-art technology to digitally reconstruct the work,

preserving the original format whilst repairing imperfections present in the aged copy. In rare cases, an imperfection in the original, such as a blemish or missing page, may be replicated in our edition. We do, however, repair the vast majority of imperfections successfully; any imperfections that remain are intentionally left to preserve the state of such historical works. **Defence of the National Democracy Against Attack of Judge Douglas--constitutional Rights of the States Speech of Hon. J.P. Benjamin, of Louisiana. Delivered in the Senate of the United States, May 22, 1860 Defence of the National Democracy Against the Attack of Judge S.A. Douglas Constitutional Rights of the States. Speech of Hon. J.P. Benjamin, of Louisiana. Delivered in the Senate of the United States, May 22, 1860 Justice William O. Douglas Boston : Twayne Publishers Defence of the National Democracy Against the Attack of Judge Douglas, Constitutional Rights of the States Speech of Hon. J. P. Benjamin, of Louisiana, Delivered in the Senate of the United States, May 22, 1860 (Classic Reprint) Forgotten Books** Excerpt from *Defence of the National Democracy Against the Attack of Judge Douglas, Constitutional Rights of the States: Speech of Hon. J. P. Benjamin, of Louisiana, Delivered in the Senate of the United States, May 22, 1860* Has been no inconsistency In his course and that if hand his brother: Democratic Senators are at issue upon any point, it is We, and not he, who have 'prove inconsistent. I shall return to that, sir, in a moment. The next proposition of the honorable members from Massachusetts was, that Massachusetts was the embodiment of the Democratic party, and that all, who dissented from its modest proposition were rebels. He next arraigned {all his Democratic brethren' in this Chamber for daring to offer resolutions to the Senate declaratory of unconstitutional principles and he called the resolutions now before us a caucus platform; which he said the Charleston convention, '1. Which represents him treated with the Scorn and contempt that they merited. Next he said 'that seventeen Democratic States, of this Union, affidial his' brother Democratic Senators who did not agree with him, (were disunionists, and he arraigned Massachusetts 1841! They were trampled on the high road to the three States. When, in the plenitude of his intelligence, he told us 'that we were in a state of ignorance and. Did not know what road we were traveling, and, with praiseworthy magnanimity, tendered his clemency and his pardon to those who, after being enlightened by his counsel, should tend to grieve the nation. And after having done that -having attacked every Democratic State. About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books. Find more at www.forgottenbooks.com This book is a reproduction of an important historical work. Forgotten Books uses state-of-the-art technology to digitally reconstruct the work, preserving the original format whilst repairing imperfections present in the aged copy. In rare cases, an imperfection in the original, such as a blemish or missing page, may be replicated in our edition. We do, however, repair the vast majority of imperfections successfully; any imperfections that remain are intentionally left to preserve the state of such historical works. **Of Power and Right Hugo Black, William O. Douglas, and America's Constitutional Revolution Oxford University Press, USA** Compares the backgrounds and legal viewpoints of the two Supreme Court justices **Judges**

and Unjust Laws Common Law Constitutionalism and the Foundations of Judicial Review University of Michigan Press *"With keen insight into the common law mind, Edlin argues that there are rich resources within the law for judges to ground their opposition to morally outrageous laws, and a legal obligation on them to overturn it, consequent on the general common law obligation to develop the law. Thus, seriously unjust laws pose for common law judges a dilemma within the law, not just a moral challenge to the law, a conflict of obligations, not just a crisis of conscience. While rooted firmly in the history of common law jurisprudence, Edlin offers an entirely fresh perspective on an age-old jurisprudential conundrum. Edlin's case for his thesis is compelling."* ---Gerald J. Postema, Cary C. Boshamer Professor of Philosophy and Professor of Law, University of North Carolina at Chapel Hill, and author of *Bentham and the Common Law Tradition* "Douglas Edlin builds a powerful historical, conceptual, and moral case for the proposition that judges on common law grounds should refuse to enforce unjust legislation. This is sure to be controversial in an age in which critics already excoriate judges for excessive activism when conducting constitutional judicial review. Edlin's challenge to conventional views is bold and compelling." ---Brian Z. Tamanaha, Chief Judge Benjamin N. Cardozo Professor of Law, St. John's University, and author of *Law as a Means to an End: Threat to the Rule of Law* "Professor Edlin's fascinating and well-researched distinction between constitutional review and common law review should influence substantially both scholarship on the history of judicial power in the United States and contemporary jurisprudential debates on the appropriate use of that power." ---Mark Graber, Professor of Law and Government, University of Maryland, and author of *Dred Scott and the Problem of Constitutional Evil* *Is a judge legally obligated to enforce an unjust law? In Judges and Unjust Laws, Douglas E. Edlin uses case law analysis, legal theory, constitutional history, and political philosophy to examine the power of judicial review in the common law tradition. He finds that common law tradition gives judges a dual mandate: to apply the law and to develop it. There is no conflict between their official duty and their moral responsibility. Consequently, judges have the authority---perhaps even the obligation---to refuse to enforce laws that they determine unjust. As Edlin demonstrates, exploring the problems posed by unjust laws helps to illuminate the institutional role and responsibilities of common law judges. Douglas E. Edlin is Associate Professor of Political Science at Dickinson College.* **The Celebrated Political Letters of Somers to the Right Hon. Mr. Douglas ... Accompanied with the Replies of Probus and Maynard, and the Rejoinders by Somers The Result-orientation of William O. Douglas Political Activities on and Off the Bench Making Civil Rights Law Thurgood Marshall and the Supreme Court, 1936-1961 Oxford University Press on Demand** *In Making Civil Rights Law, Tushnet provides a chronological narrative history of the legal struggle that preceded the political battles for civil rights, in the thirties, forties, and fifties, waged by the NAACP Legal Defense Fund led by Thurgood Marshall. Tushnet brings clarity to the legal reasoning that animated this 'Constitutional revolution', showing how the slow development of doctrine and precedent reflected an overall legal strategy of Marshall and the NAACP.* **Constitutional Law of the European Union Pearson Education** *This new text in the Law in Focus series offers a distinctive focus on the public, constitutional law of*

the EU, treating this not as a set of formalist procedures, but relating it to underlying principles e.g. in terms of democracy, transparency, accountability and respect for individual rights. The book incorporates a critical assessment of the institutions and constitutional law of the EU and the part they play in the democratic process, an investigation of the member states, and the political ramifications of this relationship. An overriding objective of the book is to present EU law as a rather more exciting and engaging subject than often presented, locating it much more in its historical and political context than other works.

The Right of the People He Shall Not Pass This Way Again The Legacy of Justice William O. Douglas University of Pittsburgh Pre After a successful career as a law professor and government regulator, William O. Douglas was appointed to the Supreme Court by Franklin D. Roosevelt in 1939. During his thirty-six years on the court, he became known as one of its most outspoken and controversial members. In this volume, which was originally published for the William O. Douglas Institute, distinguished scholars examine four major aspects of Justice Douglas's work: his relations with his colleagues; his views on civil liberties, which primarily led to his reputation as a liberal; his stance as an environmentalist; and his views as an internationalist.

Understanding Supreme Court Opinions Longman Publishing Group The perfect supplement to any Constitutional Law text, this book goes beyond the reading and interpretation of Supreme Court opinions. This practical text addresses the legal reasoning behind the written opinions themselves, giving students a deeper understanding of how to read and interpret the decisions of our highest court. The Fifth Edition has been thoroughly updated, incorporating throughout material on opinions issued by the Supreme Court since the last edition. It also includes: a substantial revision of Chapter 4 -- The Legal Materials Used in Building a Constitutional Opinion -- to make major points clearer to students; a modification of Chapter 7 -- Strategies of Justification -- to make it more accessible; a sample brief in Chapter 8 to illustrate writing a brief; a new feature -- Practical Pointers -- following the first seven chapters and designed to help students use constitutional materials in making legal arguments; additional coverage of issues related to terrorism. **A**

Distinct Judicial Power The Origins of an Independent Judiciary, 1606-1787 Oxford University Press This title provides a comprehensive critical analysis of the origins of judicial independence in the United States. The book examines the political theory of an independent judiciary and chronicles how each of the original 13 states and their colonial antecedents treated their respective judiciaries. **Hugo L. Black Cold Steel Warrior Oxford University Press on Demand** Drawing on Black's extensive files and interviews with his colleagues and family, the author traces the life and career of the late Supreme Court justice from Alabama, a former ally of the Klan who became a fighter for civil rights. **UP. The Campaign to Impeach Justice William O. Douglas Nixon, Vietnam, and the Conservative Attack on Judicial Independence** How the Nixon Administration politicized the federal judiciary in order to deflect from an unpopular invasion of Cambodia and build the Southern Strategy by convincing Gerald Ford to embark on an ill-advised impeachment effort against Justice William O. Douglas. **The Environmental Justice William O. Douglas and American Conservation** From the late 1940s to the mid-1970s, American conservation politics underwent a transformation—and Supreme Court

Justice William O. Douglas (1898-1980) was at the heart of this shift toward modern environmentalism. The Environmental Justice explores how Douglas, inspired by his youthful experiences hiking in the Pacific Northwest, eventually used his influence to contribute to American conservation thought, politics, and law. Justice Douglas was one of the nation's most passionate conservationists. He led public protests in favor of wilderness near Washington, D.C., along Washington State's Pacific coast, and many places in between. He wrote eloquent testimonies to the value of wilderness and society's increasing need for it, both in his popular books and in his heartfelt judicial opinions celebrating nature and condemning those who would destroy it. He worked tirelessly to secure stronger legal protections for the environment, coordinating with a national network of conservationists and policymakers. As a sitting Supreme Court Justice, Douglas brought prestige to the conservation crusades of the time and the enormous symbolic power of legal authority at a time when the nation's laws did not favor environmental protection. He understood the need for national solutions that included public involvement and protections of minority interests; the issues were nationally important and the forces against preservation were strong. In myriad situations Douglas promoted democratic action for conservation, public monitoring of government and business activities, and stronger laws to ensure environmental and political integrity. His passion for the environment helped to shape the modern environmental movement. For the first time, The Environmental Justice tells this story.

Democratic Theories and the Constitution
SUNY Press Although the government of the United States is traditionally viewed as a democracy, there is considerable disagreement about what democracy means and implies. In a comprehensive study Professor Edelman examines the three democratic paradigms most prevalent in America today: natural rights, contract, and competition. Theories based on these paradigms lead to different ideas of democracy, each of which yields variant interpretations of the Constitution. This close relationship between democratic theories and constitutional interpretations is analyzed in an extensive historical introduction, which focuses on some of the major thinkers in American history. Edelman's discussion shows that neither the Constitution nor the development of American political thought can serve as an authoritative basis for any one theory of democracy. Instead of a particular theory, the historical constant was an appeal to reason inherent in our basic charter. In his methodological section, Edelman argues that we must use reason to clarify the latent values inherent in the differing concepts of democracy and the consequences that flow from them. He analyzes judicial ideas in the light of three concepts deemed central to any democratic theory--citizenship, political participation, and political freedom--and concludes with a balanced account of contemporary democratic theories, the constitutional theories related to them, and a critique of both.

Citizen Justice The Environmental Legacy of William O. Douglas--Public Advocate and Conservation Champion
U of Nebraska Press Citizen Justice highlights William O. Douglas's dual role in fulfilling his constitutional duty as U.S. Supreme Court Justice while advancing his personal passion to serve the public as a citizen advocate for the environment.

Democratic Theories and the Constitution
State University of New York Press Although the government of the United States is traditionally viewed as a democracy, there is considerable disagreement about what

democracy means and implies. In a comprehensive study Professor Edelman examines the three democratic paradigms most prevalent in America today: natural rights, contract, and competition. Theories based on these paradigms lead to different ideas of democracy, each of which yields variant interpretations of the Constitution. This close relationship between democratic theories and constitutional interpretations is analyzed in an extensive historical introduction, which focuses on some of the major thinkers in American history. Edelman's discussion shows that neither the Constitution nor the development of American political thought can serve as an authoritative basis for any one theory of democracy. Instead of a particular theory, the historical constant was an appeal to reason inherent in our basic charter. In his methodological section, Edelman argues that we must use reason to clarify the latent values inherent in the differing concepts of democracy and the consequences that flow from them. He analyzes judicial ideas in the light of three concepts deemed central to any democratic theory—citizenship, political participation, and political freedom—and concludes with a balanced account of contemporary democratic theories, the constitutional theories related to them, and a critique of both.

Fundamental Rights History of a Constitutional Doctrine Routledge 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 **The Douglas Opinions**

Random House (NY) Discusses key decisions in the following areas: Those Who Govern; The Right to Vote; Citizenship; Religious Freedom; Freedom of Speech and Press; Obscenity; Privacy; Military Service; Equal Treatment; Due Process of Law; More Specific Guarantees (argues that the 14th amendment incorporates all of the Bill of Rights to the states as well as to the Federal Government). **Mr. Justice Black**

**and the Defendant's Constitutional Rights Lincoln and Chief Justice Taney
Slavery, Secession, and the President's War Powers Simon and Schuster**

The clashes between President Abraham Lincoln and Chief Justice Roger B. Taney over slavery, secession, and the president's constitutional war powers went to the heart of Lincoln's presidency. James Simon, author of the acclaimed What Kind of Nation -- an account of the battle between President Thomas Jefferson and Chief Justice John Marshall to define the new nation -- brings to vivid life the passionate struggle during the worst crisis in the nation's history, the Civil War. The issues that underlaid that crisis -- race, states' rights, and the president's wartime authority -- resonate today in the nation's political debate. Lincoln and Taney's bitter disagreements began with Taney's Dred Scott opinion in 1857, when the chief justice declared that the Constitution did not grant the black man any rights that the white man was bound to honor. In the famous Lincoln-Douglas debates, Lincoln attacked the opinion as a warped judicial interpretation of the Framers' intent and accused Taney of being a member of a pro-slavery national conspiracy. In his first inaugural address, President Lincoln insisted that the South had no legal right to secede. Taney, who administered the oath of office to Lincoln, believed that the South's secession was legal and in the best interests of both sections of the country. Once the Civil War began, Lincoln broadly interpreted his constitutional powers as commander in chief to prosecute the war, suspending the writ of habeas corpus, censoring the mails, and authorizing military courts to try civilians for treason. Taney opposed every presidential wartime initiative and openly challenged Lincoln's suspension of the writ of habeas corpus. He accused the president of assuming dictatorial powers in violation of the Constitution. Lincoln ignored Taney's protest, convinced that his actions were both constitutional and necessary to preserve the Union. Almost 150 years after Lincoln's and Taney's deaths, their words and actions reverberate in constitutional debate and political battle. Lincoln and Chief Justice Taney tells their dramatic story in fascinating detail.

Douglas Dissents An Interpretation of Judicial Philosophy Democracy and Equality The Enduring Constitutional Vision of the Warren Court Oxford University Press

From 1953 to 1969, the Supreme Court under Chief Justice Earl Warren brought about many of the proudest achievements of American constitutional law. The Warren declared racial segregation and laws forbidding interracial marriage to be unconstitutional; it expanded the right of citizens to criticize public officials; it held school prayer unconstitutional; and it ruled that people accused of a crime must be given a lawyer even if they can't afford one. Yet, despite those and other achievements, conservative critics have fiercely accused the justices of the Warren Court of abusing their authority by supposedly imposing their own opinions on the nation. As the eminent legal scholars Geoffrey R. Stone and David A. Strauss demonstrate in Democracy and Equality, the Warren Court's approach to the Constitution was consistent with the most basic values of our Constitution and with the most fundamental responsibilities of our judiciary. Stone and Strauss describe the Warren Court's extraordinary achievements by reviewing its jurisprudence across a range of issues addressing our nation's commitment to the values of democracy and equality. In each chapter, they tell the story of a critical decision, exploring the historical and legal context of each case, the Court's reasoning, and how the justices of the Warren

Court fulfilled the Court's most important responsibilities. This powerfully argued evaluation of the Warren Court's legacy, in commemoration of the 50th anniversary of the end of the Warren Court, both celebrates and defends the Warren Court's achievements against almost sixty-five years of unrelenting and unwarranted attacks by conservatives. It demonstrates not only why the Warren Court's approach to constitutional interpretation was correct and admirable, but also why the approach of the Warren Court was far superior to that of the increasingly conservative justices who have dominated the Supreme Court over the past half-century.

Human Rights and Private Law Privacy as Autonomy Bloomsbury Publishing *Privacy today is much debated as an individual's right against real or feared intrusions by the state, as exemplified by proposed identity cards and surveillance measures in the United Kingdom. In contrast, invasions of privacy by private individuals or bodies tend to arouse less concern. This book attempts to fill the gap by looking at the horizontal application of human rights after Douglas v Hello, Campbell v MGN and Caroline von Hannover v Germany. It provides a conceptual and theoretical framework and also considers specific particularly sensitive areas of law relating to privacy protection, such as intellectual property, employment and media law. It provides comparative perspectives by relating Article 8 of the European Convention on Human Rights, which serves as a focal point, to UK, Dutch, German and European Communities law. Several common threads are revealed running across jurisdictions and different areas of law and aspects of privacy. The most notable is the definition of privacy in terms of the autonomy of the individual, a notion associated with the liberal state in the classic sense but now acquiring more content as a human right also linked to ideas of social justice.*

The Supreme Court and Constitutional Democracy Cornell University Press *Discusses the growth of the power of the Supreme Court and analyzes the separation of judicial and congressional functions*