

TO SECURE THESE RIGHTS



*The Declaration of Independence
and Constitutional Interpretation*



Scott Douglas Gerber

WITH A FOREWORD BY
Henry J. Abraham

To Secure These Rights The Declaration Of Independence And Constitutional Interpretation

John R. Vile



To Secure These Rights The Declaration Of Independence And Constitutional Interpretation:

To Secure These Rights Scott Douglas Gerber, 1995-06 Importantly the theory advanced in this book what Gerber calls liberal originalism is neither consistently liberal nor consistently conservative in the modern conception of those terms Rather the theory is liberal in the classic sense of viewing the basic purpose of government to be safeguarding the natural rights of individuals

To Secure These Rights Scott Douglas Gerber, 1995-06-01 A legal scholar puts forward a rigorous and provocative theory of constitutional interpretation that cuts across today's partisan divide To Secure These Rights enters the fascinating and often contentious debate over constitutional interpretation Scott Douglas Gerber argues that the Constitution of the United States should be interpreted in light of the natural rights political philosophy of the Declaration of Independence and that the Supreme Court is the institution of American government that should be primarily responsible for identifying and applying that philosophy in American life Importantly the theory advanced in this book what Gerber calls liberal originalism is neither consistently liberal nor consistently conservative in the modern conception of those terms Rather the theory is liberal in the classic sense of viewing the basic purpose of government to be safeguarding the natural rights of individuals As Thomas Jefferson wrote in the Declaration of Independence to secure these rights governments are instituted among men In essence Gerber maintains that the Declaration articulates the philosophical ends of our nation and that the Constitution embodies the means to effectuate those ends Gerber's analysis reveals that the Constitution cannot be properly understood without recourse to history political philosophy and law

First Principles Scott Douglas Gerber, 1999 Clarence Thomas is one of the most vilified public figures of our day To date however his legal philosophy has received only cursory treatment First Principles provides a portrait of Thomas based not on the justice's caricatured reputation but on his judicial opinions and votes his scholarly writings and his public speeches The paperback edition includes a provocative new Afterword by the author bringing the book up to date by assessing Justice Thomas's performance and the reaction to his decisions during the last five years

Powers Reserved for the People and the States Jay S. Bybee, A. Christo Bryant, Thomas B. McAfee, 2006-08-30 American judges and legal scholars have long misunderstood the intended meaning of the Ninth Amendment and its relationship to the Tenth Because of misinterpretation the Ninth and Tenth Amendments have not been used to fulfill their original purposes The limited and unlimited powers of the federal government have been shaped greatly by that error In this book the authors clarify the actual meaning of the Ninth Amendment and its connection to the Tenth Amendment in order to provide a clear understanding of the full potential of the two amendments Historical and contemporary details are included to provide an appreciation of the intended purpose of the amendments

American Government, Second Edition Timothy O. Lenz, Mirya Holman, 2018-03-21 This exciting new book explores the role of government politics and policy in American lives Full of real life applications and scenarios this text encourages and enables political thinking The second edition has been updated to include recent developments in U S politics and government This

includes the description and analysis of the 2016 elections as well as the early Trump administration Chapters have expanded coverage of immigration policy environmental policy economic policy and global affairs including counterterrorism policy The text also includes analysis of racial issues in contemporary American politics and law It also addresses questions about the state of the economy jobs and wages Hyperlinks and URLs provide deeper dives into various topics and examples of comparative politics

Judicial Review in an Objective Legal System Tara Smith,2015-08-07 How should courts interpret the law While all agree that courts must be objective people differ sharply over what this demands in practice fidelity to the text To the will of the people To certain moral ideals In *Judicial Review in an Objective Legal System* Tara Smith breaks through the false dichotomies inherent in dominant theories various forms of originalism living constitutionalism and minimalism to present a new approach to judicial review She contends that we cannot assess judicial review in isolation from the larger enterprise of which it is a part By providing careful clarification of both the function of the legal system as well as of objectivity itself she produces a compelling firmly grounded account of genuinely objective judicial review Smith s innovative approach marks a welcome advance for anyone interested in legal objectivity and individual rights

A Distinct Judicial Power Scott Douglas Gerber,2011-01-10 *A Distinct Judicial Power: The Origins of an Independent Judiciary 1606-1787* by Scott Douglas Gerber provides the first comprehensive critical analysis of the origins of judicial independence in the United States Part I examines the political theory of an independent judiciary Gerber begins chapter 1 by tracing the intellectual origins of a distinct judicial power from Aristotle s theory of a mixed constitution to John Adams s modifications of Montesquieu Chapter 2 describes the debates during the framing and ratification of the federal Constitution regarding the independence of the federal judiciary Part II the bulk of the book chronicles how each of the original thirteen states and their colonial antecedents treated their respective judiciaries This portion presented in thirteen separate chapters brings together a wealth of information charters instructions statutes etc about the judicial power between 1606 and 1787 and sometimes beyond Part III the concluding segment explores the influence the colonial and early state experiences had on the federal model that followed and on the nature of the regime itself It explains how the political theory of an independent judiciary examined in Part I and the various experiences of the original thirteen states and their colonial antecedents chronicled in Part II culminated in Article III of the U S Constitution It also explains how the principle of judicial independence embodied by Article III made the doctrine of judicial review possible and committed that doctrine to the protection of individual rights

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

Appealing to Scripture in Moral Debate Charles H. Cosgrove, 2002 Arguing from scripture is one of the ways that Christians test their moral judgments But are all methods of appealing to the Bible equally valid and effective In this book Charles Cosgrove looks at the church's long tradition of moral debate and analyzes five important hermeneutical rules that guide contemporary use of scripture in ethical argument After introducing the nature of moral arguments generally Cosgrove devotes one chapter to each of the five rules of biblical interpretation that make ethical appeals to scripture persuasive He sets forth each rule's rationale provides examples of its operation and subjects it to critique Based not only on the work of biblical scholars and Christian ethicists but also on Cosgrove's own experience with debates in classrooms churches and other Christian contexts this volume is a valuable aid to readers who employ moral reasoning in real life settings

A Companion to the American Revolution Jack P. Greene, J. R. Pole, 2008-04-15 A Companion to the American Revolution is a single guide to the themes events and concepts of this major turning point in early American history Containing coverage before during and after the war as well as the effect of the revolution on a global scale this major reference to the period is ideal for any student scholar or general reader seeking a complete reference to the field Contains 90 articles in all including guides to further reading and a detailed chronological table Explains all aspects of the revolution before during and after the war Discusses the status and experiences of women Native Americans and African Americans and aspects of social and daily life during this period Describes the effects of the revolution abroad Provides complete coverage of military history including the home front Concludes with a section on concepts to put the morality of early America in today's context

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Table of Contents To Secure These Rights The Declaration Of Independence And Constitutional Interpretation

1. Understanding the eBook To Secure These Rights The Declaration Of Independence And Constitutional Interpretation
 - The Rise of Digital Reading To Secure These Rights The Declaration Of Independence And Constitutional Interpretation
 - Advantages of eBooks Over Traditional Books
2. Identifying To Secure These Rights The Declaration Of Independence And Constitutional Interpretation
 - 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 To Secure These Rights The Declaration Of Independence And Constitutional Interpretation
 - User-Friendly Interface
4. Exploring eBook Recommendations from To Secure These Rights The Declaration Of Independence And Constitutional Interpretation
 - Personalized Recommendations
 - To Secure These Rights The Declaration Of Independence And Constitutional Interpretation User Reviews and Ratings
 - To Secure These Rights The Declaration Of Independence And Constitutional Interpretation and Bestseller Lists

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5. Accessing To Secure These Rights The Declaration Of Independence And Constitutional Interpretation Free and Paid eBooks
 - To Secure These Rights The Declaration Of Independence And Constitutional Interpretation Public Domain eBooks
 - To Secure These Rights The Declaration Of Independence And Constitutional Interpretation eBook Subscription Services
 - To Secure These Rights The Declaration Of Independence And Constitutional Interpretation Budget-Friendly Options
6. Navigating To Secure These Rights The Declaration Of Independence And Constitutional Interpretation eBook Formats
 - ePub, PDF, MOBI, and More
 - To Secure These Rights The Declaration Of Independence And Constitutional Interpretation Compatibility with Devices
 - To Secure These Rights The Declaration Of Independence And Constitutional Interpretation Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of To Secure These Rights The Declaration Of Independence And Constitutional Interpretation
 - Highlighting and Note-Taking To Secure These Rights The Declaration Of Independence And Constitutional Interpretation
 - Interactive Elements To Secure These Rights The Declaration Of Independence And Constitutional Interpretation
8. Staying Engaged with To Secure These Rights The Declaration Of Independence And Constitutional Interpretation
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers To Secure These Rights The Declaration Of Independence And Constitutional Interpretation
9. Balancing eBooks and Physical Books To Secure These Rights The Declaration Of Independence And Constitutional Interpretation
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection To Secure These Rights The Declaration Of Independence And Constitutional Interpretation

To Secure These Rights The Declaration Of Independence And Constitutional Interpretation

10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine To Secure These Rights The Declaration Of Independence And Constitutional Interpretation
 - Setting Reading Goals To Secure These Rights The Declaration Of Independence And Constitutional Interpretation
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of To Secure These Rights The Declaration Of Independence And Constitutional Interpretation
 - Fact-Checking eBook Content of To Secure These Rights The Declaration Of Independence And Constitutional Interpretation
 - 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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