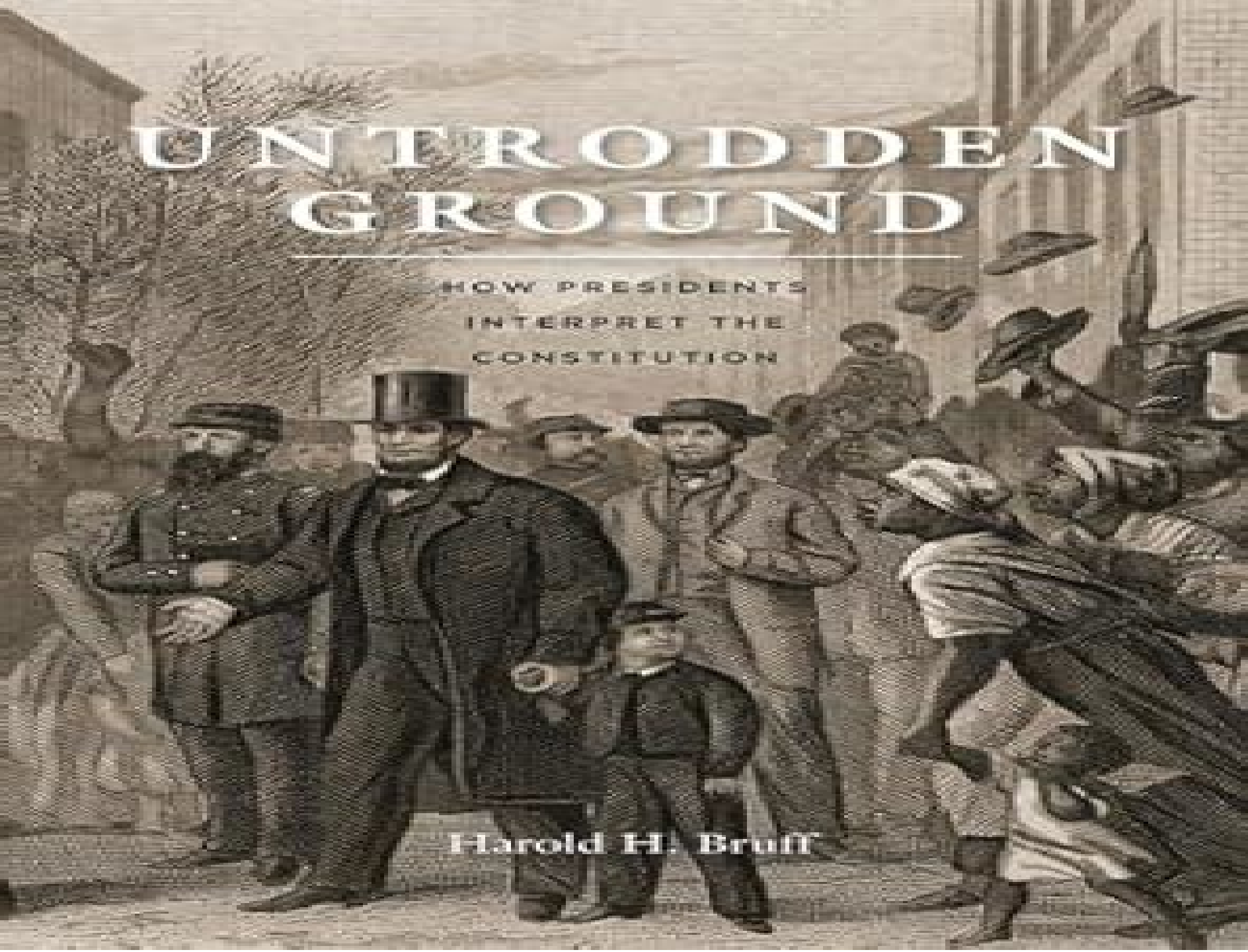


UNTRODDEN GROUND

HOW PRESIDENTS
INTERPRET THE
CONSTITUTION

Harold H. Bruff



Untrodden Ground How Presidents Interpret The Constitution

John R. Vile



Untrodden Ground How Presidents Interpret The Constitution:

Untrodden Ground Harold H. Bruff, 2015-03-10 Examines constitutional innovations related to executive power made by each of the nation's forty four presidents

Untrodden Ground Harold H. Bruff, 2024-05-31 When Thomas Jefferson struck a deal for the Louisiana Purchase in 1803 he knew he was adding a new national power to those specified in the Constitution but he also believed his actions were in the nation's best interest His successors would follow his example setting their own constitutional precedents Tracing the evolution and expansion of the president's formal power *Untrodden Ground* reveals the president to be the nation's most important law interpreter and examines how our commanders in chief have shaped the law through their responses to important issues of their time Reviewing the processes taken by all forty four presidents to form new legal precedents and the constitutional conventions that have developed as a result Harold H Bruff shows that the president is both more and less powerful than many suppose He explores how presidents have been guided by both their predecessors and their own interpretations of constitutional text as well as how they implement policies in ways that statutes do not clearly authorize or forbid But while executive power has expanded far beyond its original conception Bruff argues that the modern presidency is appropriately limited by the national political process their actions are legitimized by the assent of Congress and the American people or rejected through debilitating public outcry judicial invalidation reactive legislation or impeachment Synthesizing over two hundred years of presidential activity and conflict this timely book casts new light on executive behavior and the American constitutional system

The Oxford Handbook of the U.S.

Constitution Mark Tushnet, Mark A. Graber, Sanford Levinson, 2015-07-31 The Oxford Handbook of the U S Constitution offers a comprehensive overview and introduction to the U S Constitution from the perspectives of history political science law rights and constitutional themes while focusing on its development structures rights and role in the U S political system and culture This Handbook enables readers within and beyond the U S to develop a critical comprehension of the literature on the Constitution along with accessible and up to date analysis The historical essays included in this Handbook cover the Constitution from 1620 right through the Reagan Revolution to the present Essays on political science detail how contemporary citizens in the United States rely extensively on political parties interest groups and bureaucrats to operate a constitution designed to prevent the rise of parties interest group politics and an entrenched bureaucracy The essays on law explore how contemporary citizens appear to expect and accept the exertions of power by a Supreme Court whose members are increasingly disconnected from the world of practical politics Essays on rights discuss how contemporary citizens living in a diverse multi racial society seek guidance on the meaning of liberty and equality from a Constitution designed for a society in which all politically relevant persons shared the same race gender religion and ethnicity Lastly the essays on themes explain how in a globalized world people living in the United States can continue to be governed by a constitution originally meant for a society geographically separated from the rest of the civilized world Whether a return to the pristine

constitutional institutions of the founding or a translation of these constitutional norms in the present is possible remains the central challenge of U S constitutionalism today

The Government's Speech and the Constitution

Helen Norton, 2019-08-22 When we discuss constitutional law we usually focus on the constitutional rules that apply to what the government does Far less clear are the constitutional rules that apply to what the government says When does the speech of this unusually powerful speaker violate our constitutional rights and liberties More specifically when does the government's expression threaten liberty or equality And under what circumstances does the Constitution prohibit our government from lying to us In *The Government's Speech and the Constitution* Professor Helen Norton investigates the variety and abundance of the government's speech from early proclamations and simple pamphlets to the electronic media of radio and television and ultimately to today's digital age This enables us to understand how the government's speech has changed the world for better and for worse and why the government's speech deserves our attention and at times our concern

Supreme Court

Expansion of Presidential Power Louis Fisher, 2017-07-14 In the fourth of the *Federalist Papers* published in 1787 John Jay warned of absolute monarchs who will often make war when their nations are to get nothing by it More than two centuries later are single executives making unilateral decisions any more trustworthy And have the checks on executive power so critical in the Founders' drafting of the Constitution held These are the questions Louis Fisher pursues in this book By examining the executive actions of American presidents particularly after World War II Fisher reveals how the Supreme Court through errors and abdications has expanded presidential power in external affairs beyond constitutional boundaries and damaged the nation's system of checks and balances *Supreme Court Expansion of Presidential Power* reviews the judicial record from 1789 to the present day to show how the balance of power has shifted over time For nearly a century and a half the Supreme Court did not indicate a preference for which of the two elected branches should dominate in the field of external affairs But from the mid thirties a pattern clearly emerges with the Court regularly supporting independent presidential power in times of emergency or issues linked to national security The damage this has done to democracy and constitutional government is profound Fisher argues His evidence extends beyond external affairs to issues of domestic policy such as impoundment of funds legislative vetoes item veto authority presidential immunity in the Paula Jones case recess appointments and the Obama administration's immigration initiatives Fisher identifies contemporary biases that have led to an increase in presidential power including Supreme Court misconceptions and errors academic failings and mistaken beliefs about inherent powers and unity of office Calling to account the forces tasked with protecting our democracy from the undue exercise of power by any single executive his deeply informed book sounds a compelling alarm

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

Evaluating the Obama Presidency Meena Bose, Paul Fritz, 2024-07-22 In 2007 and 2008 Barack Obama ran for president with a message of a shared purpose uniting all Americans and was elected with expectations that he would usher in a new national culture under an approach grounded in public engagement that would transcend partisan divisions But in an institutional system designed for incremental and contested policy making governance enacting these transformational ambitions proved to be far more difficult than anticipated This innovative volume assesses the legacy of President Obama with a conceptual focus on the challenge of meeting his goals with the realities of governing A diverse group of political science history and communication studies experts systematically examines Obama's performance accomplishments and shortcomings through the lens of the expectations gap the tensions and obstacles of translating campaign promises into policies The wide representative set of case studies address campaigning and coalition building party polarization presidential communication executive power leadership and decision making and domestic and foreign policy With original and deep analysis these scholars make a unique enduring contribution to understanding the Obama presidency the office of the president and indeed American politics This insightful accessible book will be of great interest to students and scholars of the presidency political communication rhetoric and broadly across US government and democracy

Reconsidering Judicial Finality Louis Fisher, 2023-07-21 Federal judges legal scholars pundits and reporters frequently describe the Supreme Court as the final word on the meaning of the Constitution The historical record presents an entirely different picture A close and revealing reading of that record from 1789 to the present day *Reconsidering Judicial Finality* reminds us of the unalterable fact as Chief Justice Rehnquist once remarked that our judicial system like the human beings who administer it is fallible And a Court inevitably prone to miscalculation and error as this book clearly demonstrates cannot have the incontrovertible last word on constitutional questions In this deeply researched sharply reasoned work of legal myth busting constitutional scholar Louis Fisher explains how constitutional disputes are settled by all three branches of government and by the general public with the Supreme Court often playing a secondary role The Court's decisions have of course been challenged and reversed in

numerous cases involving slavery civil rights child labor legislation Japanese internment during World War II abortion and religious liberty What Fisher shows us on a case by case basis is how the elected branches scholars and American public regularly press policies contrary to Court rulings and regularly prevail although the process might sometimes take decades From the common misreading of Marbury v Madison to the mistaken understanding of the Supreme Court as the trusted guardian of individual rights to the questionable assumptions of the Court's decision in Citizens United Fisher's work charts the distance and the difference between the Court as the ultimate arbiter in constitutional matters and the judgment of history The verdict of Reconsidering Judicial Finality is clear to treat the Supreme Court's nine justices as democracy's last hope or as dangerous activists undermining democracy is to vest them with undue significance The Constitution belongs to all three branches of government and finally to the American people

The Palgrave Handbook of Deceptive

Communication Tony Docan-Morgan, 2019-04-29 Deception and truth telling weave through the fabric of nearly all human interactions and every communication context The Palgrave Handbook of Deceptive Communication unravels the topic of lying and deception in human communication offering an interdisciplinary and comprehensive examination of the field presenting original research and offering direction for future investigation and application Highly prominent and emerging deception scholars from around the world investigate the myriad forms of deceptive behavior cross cultural perspectives on deceit moral dimensions of deceptive communication theoretical approaches to the study of deception and strategies for detecting and deterring deceit Truth telling lies and the many grey areas in between are explored in the contexts of identity formation interpersonal relationships groups and organizations social and mass media marketing advertising law enforcement interrogations court politics and propaganda This handbook is designed for advanced undergraduate and graduate students academics researchers practitioners and anyone interested in the pervasive nature of truth deception and ethics in the modern world

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

Constitutional Ambiguity and the Interpretation of Presidential Power Richard W. Waterman, 2025-02-01 Examines the role of constitutional ambiguity across the entire spectrum of American history and how it impacts our interpretation of presidential power While the rise of autocratic presidential powers has been widely noted by scholars in recent years with calls by some for a stronger or more accountable presidency Constitutional Ambiguity and the Interpretation of Presidential Power is among the first entirely

dedicated to a study of the impact of this ambiguity on how scholars judges and presidents have understood executive power

Embarking on a detailed examination of legal historical and political science literature across the broad scope of American history Richard W Waterman examines the concerns of the Constitution's Framers regarding the fear of monarchy and a tyrannical president He then discusses the writing and ratification of the Constitution and by drawing on insights from the time of the Framers to the present day he provides a unique historical timeline related to the discussion and analysis of constitutional ambiguity Over the course of several chapters he finds that no sole theory defines presidential power and ambiguity rules the day allowing presidents to find power in the Constitution's silences as well as its various nooks and crannies which has led to the very real danger of an autocratic presidency *The Obama Legacy* Bert A. Rockman, Andrew Rudalevige, 2019-05-31 Hope and change were the keywords of President Barack Obama's 2008 campaign and in his farewell address on January 10 2017 he cited the evidence that he'd delivered from reversing the Great Recession rebooting the auto industry and unleashing the longest stretch of job creation in the nation's history to winning marriage equality and securing the right to health insurance for another 20 million citizens At the same time and with a view to the country's divisive polarization he made a plea for the decency of our people and the sense of common purpose that we so badly need right now In hindsight it is increasingly possible to understand whether and how Obama's legacy matched his rhetoric as well as to evaluate from various angles what his presidency accomplished and what this has meant for US politics public policy and civic life going forward In *The Obama Legacy* some of the leading observers and scholars of US politics take up this challenge In twelve essays these writers examine Obama's choices operating style and opportunities taken and missed as well as the institutional and political constraints on the president's policy agenda What were Obama's personal characteristics as a leader What were the policy aspirations output and strategy of his presidency What was his role as a political and public leader to the various constituencies needed to generate presidential power And how did his presidency interact with other political forces Addressing these questions and others the authors analyze Obama's preferences tactics successes and shortcomings with an eye toward balancing the personal and institutional factors that underlie each all the while considering how resilient or fragile Obama's legacy will be in the face of the Trump administration's eager efforts to dismantle it

Constitutional Coup Jon D. Michaels, 2017-10-23 Americans hate bureaucracy though they love the services it provides and demand that government run like a business Hence today's privatization revolution Jon Michaels shows how the fusion of politics and profits commercializes government and consolidates state power in ways the Constitution's framers endeavored to disaggregate

The American Supreme Court Robert G. McCloskey, 2016-05-02 The sixth edition of the classic and concise account of the US Supreme Court its history and its place in American politics For more than fifty years Robert G McCloskey's classic work on the Supreme Court's role in constructing the US Constitution has introduced generations of students to the workings of our nation's highest court As in prior editions McCloskey's original text remains

unchanged In his historical interpretation he argues that the strength of the Court has always been its sensitivity to the changing political scene as well as its reluctance to stray too far from the main currents of public sentiment In this new edition Sanford Levinson extends McCloskey's magisterial treatment to address developments since the 2010 election including the Supreme Court's decisions regarding the Defense of Marriage Act the Affordable Care Act and gay marriage The best and most concise account of the Supreme Court and its place in American politics McCloskey's wonderfully readable book is an essential guide to the past present and future prospects of this institution Praise for *The American Supreme Court* The classic account of the American Supreme Court by the mid twentieth century's most astute student of American constitutionalism updated by the early twenty first century's most astute student of American constitutionalism This is the first work constitutional beginners should and constitutional scholars do turn to Mark Graber University of Maryland School of Law Essential This fifth edition carries on the tradition of earlier iterations keeping McCloskey's keen insights analytical framework and normative instincts intact Levinson supplements the original argument with chapters that draw on his remarkable intellectual range and invite readers to continue asking the still salient questions McCloskey set forth a half century earlier Choice on the fifth edition [The American Yawp](#) Joseph L. Locke, Ben Wright, 2019-01-22 I too am not a bit tamed I too am untranslatable I sound my barbaric yawp over the roofs of the world Walt Whitman Song of Myself Leaves of Grass The American Yawp is a free online collaboratively built American history textbook Over 300 historians joined together to create the book they wanted for their own students an accessible synthetic narrative that reflects the best of recent historical scholarship and provides a jumping off point for discussions in the U S history classroom and beyond Long before Whitman and long after Americans have sung something collectively amid the deafening roar of their many individual voices The Yawp highlights the dynamism and conflict inherent in the history of the United States while also looking for the common threads that help us make sense of the past Without losing sight of politics and power The American Yawp incorporates transnational perspectives integrates diverse voices recovers narratives of resistance and explores the complex process of cultural creation It looks for America in crowded slave cabins bustling markets congested tenements and marbled halls It navigates between maternity wards prisons streets bars and boardrooms The fully peer reviewed edition of The American Yawp will be available in two print volumes designed for the U S history survey Volume I begins with the indigenous people who called the Americas home before chronicling the collision of Native Americans Europeans and Africans The American Yawp traces the development of colonial society in the context of the larger Atlantic World and investigates the origins and ruptures of slavery the American Revolution and the new nation's development and rebirth through the Civil War and Reconstruction Rather than asserting a fixed narrative of American progress The American Yawp gives students a starting point for asking their own questions about how the past informs the problems and opportunities that we confront today *The American Flag* John R. Vile, 2018-10-05 At a time when the U S flag is both a

source of both pride and controversy this volume provides the first encyclopedic A to Z treatment of the U S flag in American history culture and law This title is a comprehensive resource for understanding all aspects of the American flag and its relationship to the American people The encyclopedia provides a thorough historical examination of key developments in the flag s design as well as laws and court decisions related to the flag and the First Amendment In relation to the flag s history it also discusses evolving public attitudes about its importance as a national symbol The encyclopedia contains illuminating scholarly essays on presentations of the flag in American politics the military and popular culture including art music and journalism Additionally these essays address important rules of flag etiquette and modern controversies related to them from flag burning to refusing to stand during the playing of the U S National Anthem **The Early Republic** John R.

Vile,2016-03-07 From distinguished author John R Vile comes a new history of the American early republic period presented through primary documents that are illuminated and explained in context This new book in the Documents Decoded series provides readers with an understanding of the key documents and debates in the early American republic from the presidency of George Washington through that of John Quincy Adams With more than 50 edited primary documents relevant to American history from 1789 through 1828 the primary source material is organized in sections that will help readers to identify and appreciate multiple perspectives on key issues The primary documents in this reference volume include laws sermons presidential speeches court decisions proclamations treaties and debates that will illuminate key issues such as the structure of government the protection of individual rights slavery and the respective rights of the state and national governments Examples subjects include Alexander Hamilton and Thomas Jefferson s debates the Alien and Sedition Acts the Louisiana Purchase Treaty The Star Spangled Banner the Monroe Doctrine and the Missouri Compromise of 1820

Theodore Roosevelt, Naturalist in the Arena Char Miller,Clay S. Jenkinson,2020-03-01 Theodore Roosevelt s scientific curiosity and love of the outdoors proved a defining force throughout his hectic life as a rancher and explorer police commissioner and governor of New York vice president and president of the United States Conservation and natural history were parts of a whole for this driven charismatic public servant and Roosevelt approached the natural world with joy and a passionate engagement Drawing on an array of approaches biographical ecological and environmental literary and political Theodore Roosevelt Naturalist in the Arena analyzes this energetic man s manifold encounters with the great outdoors George Bird Grinnell Gifford Pinchot John Muir and William Hornaday were among the many conservationists with whom Roosevelt corresponded collaborated hiked and governed and in turn inspired Together Roosevelt and his contemporaries developed a progressive argument for the conservation of natural resources as a way to construct a more democratic nation state This legacy also comes with some troubling domestic and global implications as Roosevelt fused his call for the conservation of resources natural and human domestically and internationally with a deep seated conviction that some were more fit than others to control the world and define its future *Institutional Theory in Political Science, Fourth Edition* B.

Guy Peters, 2019 Institutional theory plays a significant role in contemporary political science As in the previous editions the new fourth edition provides an overview of the major institutional approaches in the discipline as well as considering the possibility of a more integrated institutional theory This edition also contains two new chapters One assesses the role of informal institutions and their linkages with formal structures of governing The second new chapter provides a detailed discussion of the processes of institutionalization and deinstitutionalization Welcoming Ruin Alan Friedlander, Richard Allan Gerber, 2018-11-26 The Civil Rights Act of 1875 enacted March 1 1875 banned racial discrimination in public accommodations hotels public conveyances and places of public amusement In 1883 the U S Supreme Court declared the law unconstitutional ushering in generations of segregation until 1964 This first full length study of the Act covers the years of debates in Congress and some forty state studies of the midterm elections of 1874 in which many supporting Republicans lost their seats They returned to pass the Act in the short session of Congress This book utilizes an army of primary sources from unpublished manuscripts rare newspaper accounts memoir materials and official documents to demonstrate that Republicans were motivated primarily by an ideology that civil equality would produce social order in the defeated southern states

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