

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

University Faculty for Life. Conference

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

To Secure These Rights Scott Douglas Gerber, 1996-09 From the opening chapter's bold revision of the character of the American Revolution to the closing chapter's provocative reinterpretation of many of the most famous cases in Supreme Court history this book demonstrates the importance of approaching constitutional interpretation from more than one discipline Indeed Gerber's analysis reveals that the Constitution cannot be properly understood without recourse to history political philosophy and law

The Cambridge Companion to the United States Constitution Karen Orren, John W. Compton, 2018-03-22 This Companion provides a broad historically informed introduction to the study of the US constitutional system In place of the usual laundry lists of cases doctrines and theories it presents a picture of the constitutional system in action with separate sections devoted to constitutional principles organizational structures and the various legal and extra legal actions through which litigators and average citizens have attempted to bring about constitutional change Finally the volume covers a number of subjects that are rarely discussed in works aimed at a general audience but which are critical to ensuring that constitutional rights are honored in the day to day lives of citizens These include standing and causes of action suits against officeholders and the inner workings of the Foreign Intelligence Surveillance Court FISC This Companion places present day constitutional controversies in historical context and offers insights from a range of disciplines including history political science and law

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

Equitable Sharing Thomas Kleven, 2013-12-16 *Equitable Sharing* Distributing the Benefits and Detriments of Democratic Society argues that a principle of equitable sharing one that requires the benefits and detriments of social life to be fairly distributed among all members of society is fundamental to the concept of democracy and is implicit in the founding documents of the democratic society the United State purports to be To

illustrate the centrality of equitable sharing to democracy this book examines the political philosophies of John Locke John Stuart Mill and John Rawls Locke s libertarianism Mill s utilitarianism and Rawls egalitarianism represent major strains of Western democratic theory and all contain a principle of equitable sharing in some form To illustrate the centrality of equitable sharing to U S society the book examines the Declaration of Independence and the Constitution While these documents do not set forth a particular version of equitable sharing they contain elements of all of Locke s Mill s and Rawls philosophies and evidence a commitment to equitable sharing as fundamental to the democratic society they contemplate The task of U S society throughout its existence has been to engage in an on going dialogue that gives life to the commitment to equitable sharing set forth in its founding documents As the elected representatives of the people and the repository of the powers through which to implement much of what equitable sharing requires the primary responsibility for implementation rests with the legislative branch This book argues that the Supreme Court interacting with the public and the legislature also has a meaningful role to play in the dialogue over the requirements of equitable sharing and can play this role in a manner consistent with democratic principles This point is illustrated through a discussion of several contemporary issues same sex marriage racial integration in public schools health care and the regulation of the electoral process *Understanding the Founding* Alan Ray Gibson,2007 Over the course of the last century scholars have furiously debated four questions concerning the Founders and their act of creation Were the Framers motivated by their economic interests How democratic was the Framers Constitution Should we interpret the Founding using philosophical or strictly historical approaches What traditions of political thought were most important to the Framers In *Understanding the Founding The Crucial Questions* Alan Gibson examines the preconceptions that scholars bring to these questions explores the deepest sources of scholars disagreements over them and suggests new and thoughtful lines of interpretation and inquiry Building on his previous work *Interpreting the Founding* which offers a synoptic overview of the competing perspectives that have informed modern scholarship on the Founders **Justice Stephen Field's Cooperative Constitution of Liberty** Adam M.

Carrington,2017-06-30 This book examines liberty s Constitutional meaning through the jurisprudence of Justice Stephen Field one of the late Nineteenth Century s most influential Supreme Court Justices A Lincoln appointee who served on the Court from 1863 1897 Field articulated a view of Constitutional liberty that speaks to contemporary disputes Today some see liberty as protection through government regulation against private oppression Others see liberty as protection from government through limits on governmental power Justice Field is often viewed as siding against government power to regulate acting as a pre cursor to the infamous Lochner Era of the Court This work explains how Field instead saw both these competing conceptions of liberty as legitimate In fact the two cooperated toward a common end In his opinions Field argued that protections through and from government worked in tandem to guard fundamental individual rights In describing this view of liberty Field addressed key Constitutional provisions that remain a source of debate including some of the earliest

interpretations of the Due Process Clause its relationship to state police power and civil rights and some of the earliest assertions of a national police power through the Commerce Clause This work furthermore addresses the underpinnings of Field s views namely that he grounded his reading of the Constitution in the context of the common law and the Declaration of Independence In his principles as well as his approach this book argues Justice Field presents a helpful discussant in ongoing debates regarding the meaning of liberty and of the Constitution **Constitutional Commentary** ,1997 **The Catholic Lawyer** ,2000 **The University of New South Wales Law Journal** ,2003 **Life and Public Services of Charles Sumner** Charles Edwards Lester,1874 **The Constitution of the United States** John Randolph Tucker,1899

The Political and Legal Philosophy of James Wilson, 1742-1798 Mark David Hall,1997 Mark David Hall fills a void in the literature by providing a comprehensive analysis of Wilson s political and legal philosophy By placing him in the context of the history of ideas and by showing how his political theory influenced his concrete contributions to the creation of the American republic Hall reveals Wilson s views of morality epistemology and human nature These views made him the founding period s most important advocate of a strong and democratic national government that also protects the rights of the individual The Political and Legal Philosophy of James Wilson 1742 1798 is a significant examination of the intellectual and political legacy of one of America s leading founders The book will be of great interest to political scientists historians and students of the law **Law and Jurisprudence in American History** Stephen B. Presser,Jamil S. Zainaldin,2003

Constitutional Law and Politics: Civil rights and civil liberties David M. O'Brien,2008 Now in its Seventh Edition Constitutional Law and Politics remains the authoritative casebook for the study of Supreme Court decisions in political science courses **Law & Inequality** ,1998 *Interpreting Liberty* Katherine Elizabeth Beaumont,2000 **Proceedings of the Constitutional Convention of the State of Illinois Convened January 6, 1920** Illinois. Constitutional Convention,1920 *An Introduction to the Study of the American Constitution* ,1928 *Life and Learning* XVI University Faculty for Life. Conference,2007 **National Catholic Welfare Council Bulletin** ,1925

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