



ORIGINAL INTENT

The Courts, the Constitution, & Religion

DAVID BARTON

SPECIAL CORAL RIDGE MINISTRIES EDITION

Original Intent The Courts The Constitution Religion

Earl M. Maltz



Original Intent The Courts The Constitution Religion:

Original Intent David Barton, 2011 An essential resource for anyone interested in our nation's religious heritage and the Founders' intended role for the American judicial system Original Intent combines hundreds of quotes from primary sources with the author's exposition on hot topics such as revisionism, judicial activism, and separation of church and state. A substantial appendix encompasses full texts of the founding documents, biographical sketches of numerous Founders, and extensive reference notes.

Original Intent David Barton, 1997 Tells how the U.S. Supreme Court has reinterpreted the Constitution, diluting the Biblical principles upon which it was based. *Congressional Record* United States Congress, 2011 The Congressional Record is the official record of the proceedings and debates of the United States Congress. It is published daily when Congress is in session. The Congressional Record began publication in 1873. Debates for sessions prior to 1873 are recorded in *The Debates and Proceedings in the Congress of the United States 1789-1824*, the *Register of Debates in Congress 1824-1837*, and the *Congressional Globe 1833-1873*.

The Supreme Court and Religion in American Life, Vol. 2 James Hitchcock, 2009-01-10 School vouchers, The Pledge of Allegiance, The ban on government grants for theology students. The abundance of church and state issues brought before the Supreme Court in recent years underscores an incontrovertible truth in the American legal system: the relationship between the state and religion in this country is still fluid and changing. This, the second of two volumes by historian and legal scholar James Hitchcock, offers a complete analysis and interpretation of the Court's historical understanding of religion, explaining the revolutionary change that occurred in the 1940s. In Volume I, *The Odyssey of the Religion Clauses*, Princeton Hitchcock provides the first comprehensive survey of the court cases involving the Religion Clauses, including a number that scholars have ignored. Here Hitchcock examines how, in the early history of our country, a strict separation of church and state was sustained through the opinions of Jefferson and Madison, even though their views were those of the minority. Despite the Founding Fathers' ideas, the American polity evolved on the assumption that religion was necessary to a healthy society, and cooperation between religion and government was assumed. This view was seldom questioned until the 1940s, notes Hitchcock. Then, with the beginning of the New Deal and the appointment of justices who believed they had the freedom to apply the Constitution in new ways, the judicial climate changed. Hitchcock reveals the personal histories of these justices and describes how the nucleus of the Court after World War II was composed of men who were alienated from their own faiths and who looked at religious belief as irrational, divisive, and potentially dangerous assumptions that became enshrined in the modern jurisprudence of the Religion Clauses. He goes on to offer a fascinating look at how the modern Court continues to grapple with the question of whether traditional religious liberty is to be upheld.

The Invisible Constitution in Comparative Perspective Rosalind Dixon, Adrienne Stone, 2018-11-08 Constitutions worldwide inevitably have invisible features: they have silences and lacunae, unwritten or conventional underpinnings, and social and political dimensions not apparent to certain observers. This contributed volume will help its

wide audience including scholars students and practitioners understand the dimensions to contemporary constitutions and their role in the interpretation legitimacy and stability of different constitutional systems

The Supreme Court's Constitution Bernard H. Siegan, The U S Court has exercised enormous influence on American society throughout its history Although the Court is considered the guardian of the Constitution the Constitution does not specifically set forth the Court s power to strike down federal or state legislation nor does it provide guidance on how this power should be applied In this critical examination of Supreme Court opinions Bernard Siegan argues that the Court has frequently ruled both contrary to and without guidance from Constitutional meaning and purpose He concludes that the U S Supreme Court has increasingly become more the maker than the interpreter of fundamental law The author offers a detailed analysis of the Constitution and numerous Supreme Court cases involving controversial issues ranging from the line between federal and state powers to the validity of measures according to preferential treatment for minorities and women The book is essential reading for everyone interested in understanding the differences between activist and literalist traditions in the high court

Religion and the Constitution Peter J. Ferrara,1983-01-02 The author presents a study of the rights of religion in America and the injustices religion has suffered under recent Supreme Court decisions The courts have been in conflict with one another on the question of religion and this monograph shows that there is currently a possibility for a new constructive judicial policy on religion

Rehnquist Justice Earl M. Maltz,2003 With seven of its justices appointed by Republican presidents today s Supreme Court has significantly altered America s legal landscape since 1986 by tilting constitutional jurisprudence to the right That was the goal of Presidents Reagan and Bush in filling court vacancies and has been felt in cases related to federalism economic rights and affirmative action However liberal issues such as abortion have moved only marginally to the right while rulings by the Court on school prayer and gay rights have moved constitutional doctrine slightly to the left In this collection of original articles prominent constitutional scholars are joined by new voices from the cutting edge of academia to subject the Rehnquist Court to closer scrutiny and to show that its brand of conservatism is less extreme than many have supposed Reflecting views across the political spectrum the contributors help readers understand the Court dynamic its constrained conservatism and the forces that shape constitutional law in general As these authors show the overall pattern of decision making in the Rehnquist era cannot be attributed to any single unified approach to constitutional analysis Instead today s Court can only be understood as the product of a complex interaction among individual justices each with an idiosyncratic view of the proper interpretation of the Constitution and the role of the Court in the American political system These provocative essays are designed to provide readers with insight into this interaction by focusing on each member of the bench From the staunch conservatism of Clarence Thomas to the accommodationism of Sandra Day O Connor to the liberal constitutionalism of David Souter the essays analyze the unique approach of each justice to interpreting the Constitution They also show that the current justices are the product of a nomination and confirmation process that has

undergone a major transformation in recent decades one which favors experienced often unknown jurists over high profile public servants By concentrating attention on its members Rehnquist Justice allows us to better understand the Supreme Court as a whole And by assessing today s judiciary in light of a public philosophy that looks askance at government it shows us that the Supreme Court has truly become a mirror of its times **The Catholic Dimensions of Legal Study**, 2002 A *Summary of the Ecclesiastical Courts Commission's Report: and of Dr. Stubbs' Historical Reports; Together with a Review of the Evidence Before the Commission* Spencer Langton Holland, 1884 **Constitutional Interpretation** Keith E. Whittington, 1999 With its detailed and wide ranging explorations in history philosophy and law this book is essential reading for anyone interested in how the Constitution ought to be interpreted and what it means to live under a constitutional government **BOOK JACKET The Supreme Court** Paul Finkelman, 2014-01-15 An insightful chronological by chief justice examination of the Supreme Court that enables students and readers to understand and appreciate the constitutional role the Court plays in American government and society American citizens need to understand the importance of the Supreme Court in determining how our government and society operates regardless of whether or not they agree with the Court s opinions Unfortunately the role and powers of the third branch of government are not well understood by the American public After an introduction and overview to the history of the Supreme Court from 1789 to 2013 this book examines the Court s decisions chronologically by Chief Justice allowing readers to grasp how the role and powers of the Court have developed and shifted over time The chapters depict the Court as the essential agent of review and an integrated part of the government regardless of the majority minority balance on the Court and of which political party is in the White House or controlling the House or Senate *Voice*, 2000 *Reports of Cases Adjudged and Determined in the Court of Chancery of the State of New York [1814-1850]*. New York (State). Court of Chancery, Robert Desty, 1889 *Queen's Bench and Practice Court Reports ... [1844-1882]* Upper Canada. Court of Queen's Bench, J. Hillyard Cameron, Sir James Lukin Robinson, Christopher Robinson, H. C. W. Wethey, Salter Jehosaphat Van Koughnet, 1879 **Michigan Journal of Political Science**, 1990

Stephen Baldwin, Complainant and Appellee, Vs. Fred A. Baker, Defendant and Appellant Fred Abbott Baker, 1899 United States Circuit Courts of Appeals Reports, 1899 Popular Government and the Supreme Court Lane V. Sunderland, 1996 With quiet eloquence Lane Sunderland argues that we must reclaim the fundamental principles of the Constitution if we are to restore democratic government to its proper role in American life For far too long he contends the popular will has been held in check by an overly powerful Supreme Court using non constitutional principles to make policy and promote its own political agendas His work shows why this has diminished American democracy and what we can do to revive it Sunderland presents a strong thoughtful challenge to the constitutional theories promoted by Ronald Dworkin Archibald Cox Richard Epstein Michael Perry John Hart Ely Robert Bork Philip Kurland Laurence Tribe Mark Tushnet and Catharine MacKinnon an enormously diverse group united by an apparent belief in judicial supremacy Their theories he

demonstrates undermine the democratic foundations of the Constitution and the power of the majority to resolve for itself important questions of justice Central to this enterprise is Sunderland s reconsideration of The Federalist as the first most reliable and most profound commentary on the Constitution The Federalist he states is crucial because it explains the underlying theory of the Constitution as a whole a theory that gives meaning to its particular provisions In addition Sunderland reexamines the Declaration of Independence and the work of Hobbes Locke and Montesquieu in order to better define the nature and limits of their influence on the Framers His reading of these works in conjunction with The Federalist shows just how far afield contemporary commentators have strayed Sunderland deliberately echoes and amplifies Madison s wisdom in Federalist No 10 that the object of the Constitution is to secure the public good and private rights and at the same time to preserve the spirit and form of popular government To attain that object he persuasively argues requires that the judiciary acknowledge and enforce the constitutional limitations upon its own powers In an era loudly proclaiming the return of popular government majority rule and the will of the people that argument is especially relevant and appealing *The Supreme Court* Peter Charles Hoffer, William James Hoffer, N. E. H. Hull, 2007 For more than two centuries the U S Supreme Court has provided a battleground for nearly every controversial issue in our nations history This veteran team of talented historians produces the most readable astute and up to date single volume history of this venerated institution

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