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*The  
Constitutional  
Lawyer*

JOHN MAXCY ZANE

LINCOLN

*THE CONSTITUTIONAL  
LAWYER*

*BY*

JOHN MAXCY ZANE

L.L.D., LL.T.D.



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# Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer

**Lee Epstein, Kevin T. McGuire, Thomas  
G. Walker**



## **Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer:**

**Lincoln, the Constitutional Lawyer** John Maxcy Zane, 2003 Zane explores the sources of Lincoln's interpretation of the Constitution with an emphasis on slavery and civil liberties during times of national emergency Two introductory chapters offer an appreciation of Lincoln's prose style and courtroom technique [Lincoln, the Constitutional Lawyer \(Classic Reprint\)](#) John Maxcy Zane, 2018-01-11 Excerpt from Lincoln the Constitutional Lawyer Lincoln The Man is too much given to hurling the contumelious stone His ignorance on matters of ordinary historical knowledge is astonishing As an instance he says p 25 that Jackson called the alliance of Clay and John Quincy Adams a combination of the Puritan and the blackleg Imagine Jackson quoting Fielding from whom the words come Every tyro knows that John Randolph applied the quotation and Clay and Randolph fought a duel over the aspersion Yet Masters is not without value as showing the attitude of the Douglas Democrats in Illinois during the years from 1854 To 1860 He does not seem to be very well read in the historical sources for that period Lord Charnwood in his book is wholly without understanding as to our constitutional law and seems to have no juristic conceptions whatever see notes 24 and 53 infra Not one of the authors examines Lincoln's constructive constitutional policy and many seem to think that he as President was constantly violating the Constitution which is a wholly untenable position It is not necessary to notice the general mass of writing upon Lincoln's political career for it affords no light on Lincoln as a framer of a constitutional polity A late book is Lincoln and his Cabinet by an author named Macartney It has no value for the legal aspect of the President Another late book by Emanuel Hertz shows very great insight as to some aspects of Lincoln as a lawyer But for the legal constitutional aspect of Lincoln a very late book The Reward of Patriotism is by far the best It is by Lucy Shelton Stewart and is buttressed by adequate references and great research Some of the author's personal opinions are not convincing The book came out after this address was written The author has certainly shown some new facts as to Robert E Lee About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books Find more at [www.forgottenbooks.com](http://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 *Lincoln, the Constitutional Lawyer* Zane, 1932

[Lincoln's Constitution](#) Daniel A. Farber, 2003-05-15 In Lincoln's Constitution Daniel Farber leads the reader to understand exactly how Abraham Lincoln faced the inevitable constitutional issues brought on by the Civil War Examining what arguments Lincoln made in defense of his actions and how his words and deeds fit into the context of the times Farber illuminates Lincoln's actions by placing them squarely within their historical moment The answers here are crucial not only for a better understanding of the Civil War but also for shedding light on issues state sovereignty presidential power and

limitations on civil liberties in the name of national security that continue to test the limits of constitutional law even today

Abraham Lincoln, Esq. Roger Billings, Frank J. Williams, 2010-11-01 Lincoln scholars explore the president's law career in this informative volume examining his legal writings on matters from ethics to the Constitution. As our nation's most beloved and recognizable president, Abraham Lincoln is best known for the Emancipation Proclamation and for guiding our country through the Civil War. But before he took the oath of office, Lincoln practiced law for nearly twenty-five years in the Illinois courts. In *Abraham Lincoln Esq.*, notable historian examines Lincoln's law practice and the effect it had on his presidency and the country. This volume offers new perspectives on Lincoln's work in Illinois as well as his time in Washington. Each chapter offers an expansive look at Lincoln's legal mind and covers diverse topics such as Lincoln's legal writing, ethics, Constitutional law, and international law. *Abraham Lincoln Esq.* emphasizes this overlooked period in Lincoln's career and sheds light on Lincoln's life before he became America's sixteenth president.

**Lincoln's Constitution** Daniel A. Farber, 2011-04-08 In *Lincoln's Constitution*, Daniel Farber leads the reader to understand exactly how Abraham Lincoln faced the inevitable constitutional issues brought on by the Civil War. Examining what arguments Lincoln made in defense of his actions and how his words and deeds fit into the context of the times, Farber illuminates Lincoln's actions by placing them squarely within their historical moment. The answers here are crucial not only for a better understanding of the Civil War but also for shedding light on issues: state sovereignty, presidential power, and limitations on civil liberties in the name of national security that continue to test the limits of constitutional law even today.

**American Constitutional Law** Donald P. Kommers, John E. Finn, Gary J. Jacobsohn, 2010 *American Constitutional Law: Essays, Cases, and Comparative Notes* is a unique casebook that encourages students and citizens of the Constitution to think critically about the fundamental principles and policies of the American constitutional order. The book has two prominent features that distinguish it from other books in the field: an emphasis on the social, political, and moral theory that provides meaning to constitutional law and interpretation, and a comparative perspective that situates the American experience within a world context that serves as an invaluable prism through which to illuminate the special features of our own constitutional order. While the focus of the book is entirely on American constitutional law, the book asks students to consider what, if anything, is unique in American constitutional life and what we share with other constitutional democracies. Each chapter is preceded by an introductory essay that highlights these major themes and also situates the cases in their proper historical and political context. For students in the liberal arts as well as law students seeking a richer encounter with the multifaceted nature of the American constitutional experience, this book addresses all of their concerns. The new edition offers updated and expanded treatment of key cases on gerrymandering and campaign finance, expanded discussion of the Court's work on federalism and the commerce clause, discussions of the Court's new cases on the death penalty, including a discussion of the controversy within the Court about the propriety of citing foreign case law, and an expanded discussion of the Court's recent work in the area of privacy, including the Court's decisions

with regard to partial birth abortions and same sex marriages An expanded section on the Court's continuing efforts to develop a coherent takings clause jurisprudence Full coverage of new developments and cases concerning affirmative action and school desegregation     *Bender's Lawyers' Diary and Directory for the State of New York*, 1908     *Constitutional Law for a Changing America* Lee Epstein, Kevin T. McGuire, Thomas G. Walker, 2025-02-21 In *Constitutional Law for a Changing America* Institutional Powers and Constraints bestselling authors Lee Epstein Kevin T McGuire and Thomas G Walker show students how political factors influence judicial decisions and shape the development of constitutional law The Twelfth Edition updated with additional material such as recent court rulings more than 500 supplemental cases and greater coverage of executive legislative and judicial power facilitates a deeper understanding of how the U S Constitution defines what institutions can and cannot do This book is ideal for Constitutional Law courses in the two semester sequence that covers powers and constraints For courses that cover both rights and liberties and the separation of powers in one semester see *Constitutional Law for a Changing America A Short Course*     *The Arc of Due Process in American Constitutional Law* E. Thomas Sullivan, Toni M. Massaro, 2013-03-27 Topics such as military tribunals same sex marriage informative privacy reproductive rights affirmative action and states rights fill the landscape of contemporary legal debate and media discussion and they all fall under the umbrella of the Due Process Clauses of the United States Constitution However what is not always fully understood is the constitutional basis of these rights or the exact list of due process rights as they have evolved over time through judicial interpretation In *The Arc of Due Process in American Constitutional Law* Sullivan and Massaro describe the intricate history of what are currently considered due process rights and maintain that modern constitutional theory and practice must adhere to it The authors focus on the origins and contemporary uses of due process principles in American constitutional law while offering an overarching description of the factors or normative concepts that allow courts to invalidate a government action on the grounds of due process They also analyze judicial interpretations and expressions as a key manner and perhaps the most powerful source of how due process has taken form in the United States In the process of charting this arc the authors describe the judicial analysis of rights within each category applying an illustrative list and identify several fundamental norms that span these disparate threads of due process and the most salient principles that animate due process doctrine     **Natural Law and the Antislavery Constitutional Tradition** Justin Buckley Dyer, 2012-02-13 *Natural Law and the Antislavery Constitutional Tradition* is a succinct account of the development of American antislavery constitutionalism in the years preceding the Civil War In a series of case studies Dyer reconstructs the arguments of prominent antislavery thinkers such as John Quincy Adams John McLean Abraham Lincoln and Frederick Douglass What emerges is a convoluted understanding of American constitutional development that emphasizes the centrality of natural law to America's greatest constitutional crisis     *American Constitutional Law* Donald P. Kommers, John E. Finn, Gary J. Jacobsohn, 2004 Designed for an undergraduate course in US constitutional law the casebook takes a liberal

arts approach tracing constitutional doctrine and policy back to their foundation in social moral and political theory and prompting students to engage the great questions of political life addressed by the Constitution and its interpretation Opinions of the US Supreme Court constitute the core of the documents The first edition was published in 1998 the second adds and updates topics Annotation 2004 Book News Inc Portland OR booknews com *ABA Journal* ,1981-02 The ABA Journal serves the legal profession Qualified recipients are lawyers and judges law students law librarians and associate members of the American Bar Association **The Constitution, Law, and American Life** Donald G. Nieman,2011-01-01 The eight essays in this volume imaginatively explore the interrelationship between law and society in nineteenth century America and encompass in their discussion some of the major historical issues of the era Philosophical Foundations of Constitutional Law David Dyzenhaus,Malcolm Thorburn,2016 Constitutional law has been and remains an area of intense philosophical interest and yet the debate has taken place in a variety of different fields with very little to connect them In a collection of essays bringing together scholars from several constitutional systems and disciplines Philosophical Foundations of Constitutional Law unites the debate in a study of the philosophical issues at the very foundations of the idea of a constitution why one might be necessary what problems it must address what problems constitutions usually address and some of the issues raised by the administration of a constitutional regime Although these issues of institutional design are of abiding importance many of them have taken on new significance in the last few years as law makers have been forced to return to first principles in order to justify novel practices and arrangements in their constitutional orders Thus questions of constitutional revolutions challenges to the demands of the rule of law and the separation of powers have taken on new and pressing importance The essays in this volume address these questions filling the gap in the philosophical analysis of constitutional law The volume will provoke specialists in philosophy politics and law to develop new philosophically grounded analyses of constitutional law and will be a valuable resource for graduate students in law politics and philosophy

**Comparative Constitutional Law** Tom Ginsburg,Rosalind Dixon,2011-01-01 This landmark volume of specially commissioned original contributions by top international scholars organizes the issues and controversies of the rich and rapidly maturing field of comparative constitutional law Divided into sections on constitutional design and redesign identity structure individual rights and state duties courts and constitutional interpretation this comprehensive volume covers over 100 countries as well as a range of approaches to the boundaries of constitutional law While some chapters reference the text of legal instruments expressly labeled constitutional others focus on the idea of entrenchment or take a more functional approach Challenging the current boundaries of the field the contributors offer diverse perspectives cultural historical and institutional as well as suggestions for future research A unique and enlightening volume Comparative Constitutional Law is an essential resource for students and scholars of the subject *Dred Scott and the Problem of Constitutional Evil* Mark A. Graber,2006-07-03 *Dred Scott and the Problem of Constitutional Evil* first published in 2006 concerns what is entailed by

pledging allegiance to a constitutional text and tradition saturated with concessions to evil The Constitution of the United States was originally understood as an effort to mediate controversies between persons who disputed fundamental values and did not offer a vision of the good society In order to form a more perfect union with slaveholders late eighteenth century citizens fashioned a constitution that plainly compelled some injustices and was silent or ambiguous on other questions of fundamental right This constitutional relationship could survive only as long as a bisectional consensus was required to resolve all constitutional questions not settled in 1787 Dred Scott challenges persons committed to human freedom to determine whether antislavery northerners should have provided more accommodations for slavery than were constitutionally strictly necessary or risked the enormous destruction of life and property that preceded Lincoln's new birth of freedom

**Lincoln and the Constitution** Brian R. Dirck, 2012-05-12 In this highly readable study of Abraham Lincoln's thoughts and actions concerning the U S Constitution Brian R Dirck combines extensive primary research and thoughtful accessible consideration of Lincoln's views to reveal new insights into Lincoln's impact on the U S Constitution In the statesman's roles as a leading antebellum politician an ardent critic of slavery and the president of the United States during the Civil War Lincoln fashioned a strong antislavery constitutional ideology and articulated a constitutional vision of the Civil War that reinforced his determination to restore the Union Grounding Lincoln's constitutionalism in his reading habits and early legal career Dirck masterfully balances biographical details Lincoln's value system the opinions of his supporters and critics and key events and ideas to show how his thinking about the U S Constitution changed over time From Lincoln's deep reverence for the work of the Founding Fathers to his innovative interpretation of presidential war powers Dirck reveals Lincoln's understanding of the Constitution to be progressive emphasizing federal power as a tool to develop the economy and pragmatic in that he was often forced to make decisions on the fly during a remarkably volatile period in American history Lincoln used his conception of presidential war powers to advance the twin causes of Union and emancipation and Dirck explores the constitutional problems stirred by curbs Lincoln placed on civil liberties internal security and freedom of expression during wartime More than a straightforward overview of Lincoln's constitutional views Lincoln and the Constitution provides a starting point for further inquiry into interpretations and defenses as well as the political intellectual and cultural traditions of the founding document of the United States In the end Dirck shows Lincoln viewed the political and legal traditions of the Constitution with optimism emphasizing throughout his life the possibilities he believed the document held always keeping faith in it and swearing to protect it even as he was awash in a sea of blood and controversy

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*The Supreme Court and the Decline of Constitutional Aspiration* Gary J. Jacobsohn, 1986 How should the U S Constitution be interpreted and upon what philosophical basis What were the intentions of its framers concerning judicial interpretation the doctrine of natural rights the finality of Supreme Court decisions To what extent are these intentions relevant to modern politics and jurisprudence These and other issues are

given a balanced and fresh treatment in Professor Jacobsohn's timely study **Lincoln, the Law, and Presidential Leadership** Charles M. Hubbard, 2015-11-02 From his early years as a small town lawyer through his rise to the presidency Abraham Lincoln respected the rule of law Secession and the Civil War however led him to expand presidential power in ways that over time transformed American society In this incisive essay collection recognized scholars from a variety of academic disciplines including history political science legal studies and journalism explore Lincoln's actions as president and identify within his decision making process his commitment to law and the principles of the Constitution In so doing they demonstrate how wartime pressures and problems required that Lincoln confront the constitutional limitations imposed on the chief executive and they expose the difficulty and ambiguity associated with the protection of civil rights during the Civil War The volume's contributors not only address specific situations and issues that assisted in Lincoln's development of a new understanding of law and its application but also show Lincoln's remarkable presidential leadership Among the topics covered are civil liberties during wartime presidential pardons the law and Lincoln's decision making process Lincoln's political ideology and its influence on his approach to citizenship Lincoln's defense of the Constitution the Union and popular government constitutional restraints on Lincoln as he dealt with slavery and emancipation the Lieber codes which set forth how the military should deal with civilians and with prisoners of war the loyalty or treason of government employees including Lincoln's domestic staff and how Lincoln's image has been used in presidential rhetoric Although varied in their strategies and methodologies these essays expand the understanding of Lincoln's vision for a united nation grounded in the Constitution Lincoln the Law and Presidential Leadership shows how the sixteenth president's handling of complicated legal issues during the Civil War which often put him at odds with the Supreme Court and Congress brought the nation through the war intact and led to a transformation of the executive branch and American society



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## **Table of Contents Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer**

1. Understanding the eBook Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer
  - The Rise of Digital Reading Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer
  - Advantages of eBooks Over Traditional Books
2. Identifying Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer
  - 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 Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer
  - User-Friendly Interface
4. Exploring eBook Recommendations from Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer
  - Personalized Recommendations
  - Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer User Reviews and Ratings
  - Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer and Bestseller Lists
5. Accessing Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer Free and Paid eBooks

- Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer Public Domain eBooks
  - Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer eBook Subscription Services
  - Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer Budget-Friendly Options
6. Navigating Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer eBook Formats
- ePub, PDF, MOBI, and More
  - Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer Compatibility with Devices
  - Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer Enhanced eBook Features
7. Enhancing Your Reading Experience
- Adjustable Fonts and Text Sizes of Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer
  - Highlighting and Note-Taking Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer
  - Interactive Elements Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer
8. Staying Engaged with Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer
- Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer
9. Balancing eBooks and Physical Books Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer
- Benefits of a Digital Library
  - Creating a Diverse Reading Collection Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer
10. Overcoming Reading Challenges
- Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
11. Cultivating a Reading Routine Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer
- Setting Reading Goals Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer
  - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer
- Fact-Checking eBook Content of Lincoln The Constitutional Lawyer Lincoln The Constitutional Lawyer
  - 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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