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# Majority Rule and Minority Rights

Commager, Henry Steele

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# Majority Minority Rights Steele Commager

**Mark Tushnet**



## **Majority Minority Rights Steele Commager:**

**Majority Rule and Minority Rights** Henry Steele Commager, 2015-01-01 Writings based on Commager's James W Richards Lectures in History at the University of Virginia This brief book traces the notion of majority rule and minority rights as understood in the early history of the United States     Judicial Dictatorship William J. Quirk, 2017-07-05 American society has undergone a revolution within a revolution Until the 1960s America was a liberal country in the traditional sense of legislative and executive checks and balances Since then the Supreme Court has taken on the role of the protector of individual rights against the will of the majority by creating in a series of decisions new rights for criminal defendants atheists homosexuals illegal aliens and others Repeatedly on a variety of cases the Court has overturned the actions of local police or state laws under which local officials are acting The result according to Quirk and Birdwell is freedom for the lawless and oppression for the law abiding Judicial Dictatorship challenges the status quo arguing that in many respects the Supreme Court has assumed authority far beyond the original intent of the Founding Fathers In order to avoid abuse of power the three branches of the American government were designed to operate under a system of checks and balances However this balance has been upset The Supreme Court has become the ultimate arbiter in the legal system through exercise of the doctrine of judicial review which allows the court to invalidate any state or federal law it considers inconsistent with the constitution Supporters of judicial review believe that there has to be a final arbiter of constitutional interpretation and the Judiciary is the most suitable choice Opponents Thomas Jefferson and Abraham Lincoln among them believed that judicial review assumes the judicial branch is above the other branches a result the Constitution did not intend The democratic paradox is that the majority in America agreed to limit its own power Jefferson believed that the will of the majority must always prevail His faith in the common man led him to advocate a weak national government one that derived its power from the people Alexander Hamilton often Jefferson's adversary lacking such faith feared the amazing violence an

**Minority Rule** Ari Berman, 2024-04-23 Voting rights journalist Ari Berman has been detailing threats to our democracy for years and his new book Minority Rule is a timely and essential read He expertly shows how Republicans are trying to rig our political system and shares how we can fight back Hillary Clinton on X A riveting account of the decades long effort by reactionary white conservatives to undermine democracy and entrench their power and the movement to stop them The mob that stormed the Capitol on January 6 2021 represented an extreme form of the central danger facing American democracy today a blatant disregard for the will of the majority But this crisis didn't begin or end with Donald Trump's attempt to overturn the 2020 election Through voter suppression election subversion gerrymandering dark money the takeover of the courts and the whitewashing of history reactionary white conservatives have strategically entrenched power in the face of a massive demographic and political shift Ari Berman charts these efforts with sweeping historical research and incisive on the ground reporting chronicling how a wide range of antidemocratic tactics interact with profound structural inequalities in

institutions like the Electoral College the Senate and the Supreme Court to threaten the survival of representative government in America The will of the people wrote Thomas Jefferson in 1801 is the only legitimate foundation of any government But that foundation is crumbling Some counter majoritarian measures were deliberately built into the Constitution which was designed in part to benefit a small propertied upper class but they have metastasized to a degree that the Founding Fathers could never have anticipated undermining the very notion of a government of the people by the people and for the people Chilling and revelatory Minority Rule exposes the long history of the conflict between white supremacy and multiracial democracy that has reached a fever pitch today while also telling the inspiring story of resistance to these regressive efforts

**Sidney Hook Reconsidered** Matthew J. Cotter, 2010-08-25 Afterword by Richard Rorty The current intensification of scholarly interest in the response of American intellectuals to the rise and fall of American and Soviet Communism the Cold War the student movement and Neo Conservatism has brought the controversial and fascinating work of Sidney Hook once again to the attention of scholars of American political thought and culture Beginning his career as the first American scholar of Marxism a leading disciple of John Dewey and an early supporter of Soviet Communism Hook eventually renounced Marxism and came to be one of the most vehement supporters of the Cold War Throughout his long and unquiet life Hook was revered as the heir to Dewey's legacy feared as a fierce polemicist and criticized from all points of the political spectrum The essays in this volume are the outcome of a centennial celebration honoring his life and career In addition to some of his former students colleagues allies and adversaries this volume contains several essays by relatively unknown scholars The value of their contributions is measured by fresh insights into Hook's philosophical significance as well as the underlying argument that adequate distance is needed to evaluate his historical relevance Despite the contentious nature of these two approaches ultimately these essays represent the comprehensive attempt to both reexamine Hook's legacy and celebrate his life The contributors include Jo Ann Boydston Gary Bullert Steven Cahn Matthew Cotter Michael Eldridge Barbara Forrest Nathan Glazer Neil Jumonville Marvin Kohl Paul Kurtz Tibor Machan Christopher Phelps Kathleen Poulos Edward Shapiro David Sidorsky Robert Talisse and Bruce Wilshire With a completely revised and updated bibliography of Hook's works plus an afterword by Richard Rorty this outstanding collection of essays examining the rich and varied experience of one of America's most misunderstood intellectuals will be of great interest to students and scholars of American intellectual history and philosophy Matthew J. Cotter Brooklyn NY has been a lecturer at William Paterson University Baruch College and Hunter College at the City University of New York CUNY He is currently pursuing a Ph.D. in American history at the City University of New York's Graduate Center

**The American Political Tradition** Richard Hofstadter, 2011-12-21 The American Political Tradition is one of the most influential and widely read historical volumes of our time First published in 1948 its elegance passion and iconoclastic erudition laid the groundwork for a totally new understanding of the American past By writing a kind of intellectual history of the assumptions behind American politics

Richard Hofstadter changed the way Americans understand the relationship between power and ideas in their national experience Like only a handful of American historians before him Frederick Jackson Turner and Charles A Beard are examples Hofstadter was able to articulate in a single work a historical vision that inspired and shaped an entire generation

Fundamental Liberties of a Free People Milton Konvitz, 2018-01-16 Of the American Bill of Rights perhaps the forty five words that comprise the First Amendment allowing freedom of religion speech press and assembly and the guaranty of the writ of habeas corpus are the most precious Only a legal expert could lay claim to truly understanding the meaning and intention of those basic freedoms Yet it is precisely the expert knowing the complexity of the subject who would be the first to hesitate to claim to possess such a thorough understanding In analyzing such freedoms basic to American society Milton Konvitz helps make comprehending our fundamental liberties easier The book is divided into three parts I Freedom of Religion II Freedom of Speech Press and Assembly III Freedom of Speech Press and Assembly The Clear and Present Danger Doctrine The reader will find included such topics as the debate over the scope of the separation of Church and State whether or not freedom of religion is an absolute right religious freedom prior to 1776 the liberty of private schools heresy the right for a religious group to seek converts the freedoms not to speak and listen obscene literature picketing in labor disputes the freedom to think and believe abridgments of speech and press and loyalty oaths and guilt by association Konvitz's work includes an important chapter on the history of the adoption of the Bill of Rights His careful tracing of the development of constitutional attitudes to the freedoms protected by the First Amendment is a scholarly benchmark and is still an archetype for students doing research and writing about these issues It is of critical importance to anyone seeking an authoritative statement on the basic liberties guaranteed by the First Amendment to the United States Constitution Fundamental Liberties of a Free People is a relevant and practical guide to understanding the liberties so fundamental to a free society In his new introduction and afterword author Milton Konvitz brings First Amendment developments up to 2002 It will be welcomed by students and scholars of constitutional law government politics religion and American history

The Challenge of Politics Douglas W. Simon, Joseph Romance, 2022-01-07 This is a textbook that offers students a good introduction to the science of politics while emphasizing the moral empirical and prudential dimensions of politics Prosper Bernard Jr College of Staten Island The Seventh Edition of The Challenge of Politics by Douglas W Simon and Joseph Romance balances classic political theory with contemporary politics to help students understand the fundamental questions of political science The authors relate insights of classic political thinkers both to their modern counterparts and to the political dynamics of American comparative and international affairs With its theme of politics as a scientific study this book allows students to explore the impact of philosophy and ideology to recognize major forms of government to evaluate empirical findings and to understand how policy issues directly affect people's lives

*Original Intent and the Framers' Constitution* Leonard W. Levy, 2000-08-15 For more than two hundred years a debate has raged between those who believe

that jurists should follow the original intentions of the Founding Fathers and those who argue that the Constitution is a living document subject to interpretation by each succeeding generation The controversy has flared anew in our own time as a facet of the battle between conservatives and liberals In Original Intent and the Framers Constitution the distinguished constitutional scholar Leonard Levy cuts through the Gordian Knot of claim and counterclaim with an argument that is clear logical and compelling Rejecting the views of both left and right he evaluates the doctrine of original intent by examining the sources of constitutional law and landmark cases Finally he finds no evidence for grounding the law in original intent Judicial activism the constant reinterpretation of the Constitution he sees as inevitable

Trials of War Criminals Before the Nuernberg Military Tribunals Volume III Various, 2023-09-03 Excerpt In April 1949 judgment was rendered in the last of the series of 12 Nuernberg war crimes trials which had begun in October 1946 and were held pursuant to Allied Control Council Law No 10 Far from being of concern solely to lawyers these trials are of especial interest to soldiers historians students of international affairs and others The defendants in these proceedings charged with war crimes and other offenses against international penal law were prominent figures in Hitler s Germany and included such outstanding diplomats and politicians as the State Secretary of the Foreign Office von Weizsaecker and cabinet ministers von Krosigk and Lammers military leaders such as Field Marshals von Leeb List and von Kuechler SS leaders such as Ohlendorf Pohl and Hildebrandt industrialists such as Flick Alfried Krupp and the directors of I G Farben and leading professional men such as the famous physician Gerhard Rose and the jurist and Acting Minister of Justice Schlegelberger In view of the weight of the accusations and the far flung activities of the defendants and the extraordinary amount of official contemporaneous German documents introduced in evidence the records of these trials constitute a major source of historical material covering many events of the fateful years 1933 and even earlier to 1945 in Germany and elsewhere in Europe The Nuernberg trials under Law No 10 were carried out under the direct authority of the Allied Control Council as manifested in that law which authorized the establishment of the Tribunals The judicial machinery for the trials including the Military Tribunals and the Office Chief of Counsel for War Crimes was prescribed by Military Government Ordinance No 7 and was part of the occupation administration for the American zone the Office of Military Government OMGUS Law No 10 Ordinance No 7 and other basic jurisdictional or administrative documents are printed in full hereinafter The proceedings in these trials were conducted throughout in the German and English languages and were recorded in full by stenographic notes and by electrical sound recording of all oral proceedings The 12 cases required over 1 200 days of court proceedings and the transcript of these proceedings exceeds 330 000 pages exclusive of hundreds of document books briefs etc Publication of all of this material accordingly was quite unfeasible This series however contains the indictments judgments and other important portions of the record of the 12 cases and it is believed that these materials give a fair picture of the trials and as full and illuminating a picture as is possible within the space available Copies of the entire record of the trials are available in the Library of

Congress the National Archives and elsewhere In some cases due to time limitations errors of one sort or another have crept into the translations which were available to the Tribunal In other cases the same document appears in different trials or even at different parts of the same trial with variations in translation For the most part these inconsistencies have been allowed to remain and only such errors as might cause misunderstanding have been corrected *Bills of Rights* Mark Tushnet,2017-07-05 This collection examines the justifications for using bills of rights to protect fundamental human rights and the mechanisms for enforcing provisions in those documents Articles deal with different forms of judicial enforcement and with legislative enforcement of rights protected by such documents The collection includes a road map for evaluating the effectiveness of these alternative enforcement mechanisms *That Broader Definition of Liberty* Brian Stipelman,2012-10-04 This book offers a comprehensive theory of the New Deal covering the ends it hoped to achieve and the means it used to achieve them Looking at a mixture of history American political development and political theory it aims to fill a critical gap in scholarship and provide a theoretical framework for contemporary progressive political actors

**Basic Issues of American Democracy** Hillman M. Bishop,Samuel Hendel,1961 *Defending Congress and the Constitution* Louis Fisher,2011-09-07 The culmination of four decades of research and service on behalf of Congress Louis Fisher s latest work is a fitting capstone to a remarkable career as scholar and writer and presents his most articulate passionate and persuasive defense yet of Congress as an institution Our nation s leading authority on the separation of powers Fisher offers a lucid primer on our nation s government and its executive legislative and judicial branches while vigorously advocating a robust reassertion of Congress s rightful role within that system Drawing on a wide range of legislation Supreme Court rulings and presidential decisions Fisher illuminates the contentious contest among the three major branches for power and control of government presents a panorama of American history and touches on issues as wide ranging as federalism religious freedom and national security policy Fisher is especially critical of the stereotypical view of the Supreme Court s decisions as possessing a kind of effectiveness and absolute finality that transcends the efforts and powers of Congress Indeed he argues that Congress as much or more than the judiciary has had a major positive impact on protecting individual rights in this country while the judiciary has fallen short in such areas as child labor regulation and compulsory flag salute or has attempted to settle a constitutional issue only to have it fester for years breeding anger and resentment until the political process forces the courts rethink their views He highlights legislative accomplishments in many areas often in the face of judicial opposition and obstruction but also chides Congress for not protecting its key prerogatives over the power of the purse and going to war In yielding to other branches Fishers warns lawmakers fail to represent their constituents and cripple the very system of checks and balances the Framers counted on to limit the destructive capacity of government His book offers a wealth of forceful insights and provides an important reminder of and guide to how our government should really work **Congressional Protection of Religious Liberty** Louis Fisher,2003 It is widely believed

that religious liberty is mainly protected by the independent judiciary especially for religious denominations that represent a small minority The view is that legislative bodies operating by majority vote cannot be expected to protect minority rights and that judges have the independence and technical expertise to defend the constitutional rights of minorities However legislatures at both state and national level have done much to protect religious liberty including the views of religious minorities Even during the past half century when the judicial record has measurably improved individuals and private organisations tend to turn to the elected officials for help after being turned down by the courts This book provides the reader with the means by which elected officials especially members of Congress have protected religious liberty the rights of the conscientious objectors and moves to more recent disputes including compulsory flag salutes religious apparel in the military school prayer Indian religious beliefs and various statutory exemptions adopted by Congress and state legislature to provide a sturdy defence to religious liberty *Voting Rights Extension Act of 1993* United States. Congress. House.

Committee on the Judiciary. Subcommittee on Civil and Constitutional Rights,1994 Distributed to some depository libraries in microfiche *Bishop and Hendel's Basic Issues of American Democracy* Hillman M. Bishop,Samuel Hendel,1973 *When Government Speaks* Mark G. Yudof,2009-04-03 Government s ever increasing participation in communication processes Mark Yudof argues threatens key democratic values that the First Amendment was designed to protect Government control over the exchange of ideas and information would be inconsistent with citizen autonomy informed consent and a balanced and mutually responsive relationship between citizens and their government Yet the danger of government dominance must be weighed against the necessary role of government in furthering democratic values by proposing and promotion policies and by disseminating information and educating citizens Restraints on government s ability to control communications processes are desirable but excessive or inappropriate restrictions threaten democracy Professor Yudof identifies a number of formal and informal checks on government as disseminator withholder and controller of ideas and information Where more controls are needed the strengthening of pluralism and legislative oversight is generally the answer Constitutional redress in the courts should be sought only in extreme instances he cautions to avoid judicial interference with legitimate policy objectives

The Crosswinds of Freedom, 1932-1988 James MacGregor Burns,2012-04-10 A Pulitzer Prize winner s immensely readable history of the United States from FDR s election to the final days of the Cold War Publishers Weekly The Crosswinds of Freedom is an articulate and incisive examination of the United States during its rise to become the world s sole superpower Here is a young democracy transformed by the Great Depression the Second World War the Cold War the rapid pace of technological change and the distinct visions of nine presidents Spanning fifty six years and touching on many corners of the nation s complex cultural tapestry Burns s work is a remarkable look at the forces that gave rise to the American Century **The New Federalist Papers** J. Jackson Barlow,Dennis J. Mahoney,John G. West,1988 This book represents perhaps the single most important volume to be published on the Constitution during the Bicentennial With over

sixty contributing authors it brings together the best of American constitutional scholarship for a comprehensive and provocative discussion of the Constitution's history its principles and its current meaning     *A System of Rights* Rex Martin, 1993 The justification of political authority is one of the long standing issues of political philosophy and one which persistently defies satisfactory solution This book sets out to provide an original justification by establishing a background framework for dealing with this problem The model political system that emerges is one in which certain kinds of political rights are emphasized Rex Martin then discusses what the implications of such a system might be for democratic institutions political allegiance punishment and ultimately for the nature of political authority itself

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