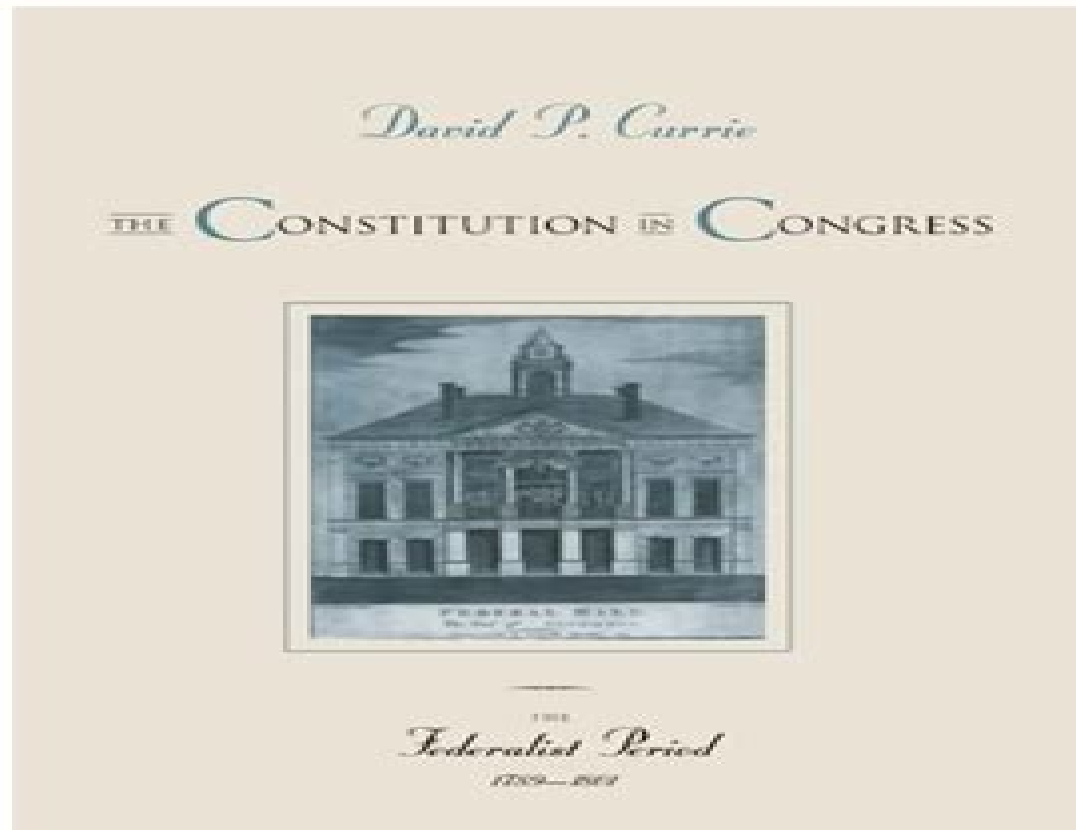


The Constitution in Congress: The Federalist Period, 1789-1801 (Volume 1)



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Description :

In the most thorough examination to date, David P. Currie analyzes from a legal perspective the work of the first six congresses and of the executive branch during the Federalist era, with a view to its significance for constitutional interpretation. He concludes that the original understanding of the Constitution was forged not so much in the courts as in the legislative and executive branches, an argument of crucial importance for scholars in constitutional law, history, and government.

Constitution In Congress The Federalist Period 1789 1801

Michael J. Boskin



Constitution In Congress The Federalist Period 1789 1801:

The Constitution in Congress David P. Currie, 1997-05-15 Thus the First Congress left us a rich legacy of arguments over the meaning of a variety of constitutional provisions and the quality of those arguments was impressively high *The Constitution in Congress* David P. Currie, 2007-12-01 This acclaimed series serves as a biography of the U S Constitution offering an indispensable survey of the congressional history behind its development In a rare examination of the role that both the legislative and executive branches have played in the development of constitutional interpretation *The Constitution in Congress* shows how the actions and proceedings of these branches reveal perhaps even more about constitutional disputes than Supreme Court decisions of the time The centerpiece for the fourth volume in this series is the great debate over slavery and how this divisive issue led the country into the maelstrom of the Civil War From the Jacksonian revolution of 1829 to the secession of Southern states from the Union legal scholar David P Currie provides an unrivaled analysis of the significant constitutional events the Wilmot Proviso the Compromise of 1850 the Kansas Nebraska Act the Lincoln Douglas Debates and Bleeding Kansas that led up to the war Exploring how slavery was addressed in presidential speeches and debated in Congress Currie shows how the Southern Democrats dangerously diminished federal authority and expanded states rights threatening the nation s very survival Like its predecessors this fourth volume of *The Constitution in Congress* will be an invaluable reference for legal scholars and constitutional historians alike *Congress's Constitution* Josh Chafetz, 2017-06-27 A leading scholar of Congress and the Constitution analyzes Congress s surprisingly potent set of tools in the system of checks and balances Congress is widely supposed to be the least effective branch of the federal government But as Josh Chafetz shows in this boldly original analysis Congress in fact has numerous powerful tools at its disposal in its conflicts with the other branches These tools include the power of the purse the contempt power freedom of speech and debate and more Drawing extensively on the historical development of Anglo American legislatures from the seventeenth century to the present Chafetz concludes that these tools are all means by which Congress and its members battle for public support When Congress uses them to engage successfully with the public it increases its power vis vis the other branches when it does not it loses power This groundbreaking take on the separation of powers will be of interest to both legal scholars and political scientists *Originalism, Federalism, and the American Constitutional Enterprise* Edward A. Purcell, 2007-12-28 In this lively historical examination of American federalism a leading scholar in the field refutes the widely accepted notion that the founding fathers carefully crafted a constitutional balance of power between the states and the federal government Edward A Purcell Jr bases his argument on close analysis of the Constitution s original structure and the ways that structure both induced and accommodated changes over the centuries There was no clear agreement among the founding fathers regarding the true nature of American federalism Purcell contends nor was there a consensus on correct lines dividing state and national authority Furthermore even had there been some true original understanding the elastic and

dynamic nature of the constitutional structure would have made it impossible for subsequent generations to maintain any original or permanent balance The author traces the evolution of federalism through the centuries focusing particularly on shifting interpretations founded on political interests He concludes with insights into current issues of federal power and a discussion of the grounds on which legitimate decisions about federal and state power should rest

Towards a European Constitution Michael Gehler, 2005 This volume represents a historical comparison of the American and the EU European constitutional experiences and lessons to be derived therefrom for the present time It is designed to deepen the understanding of the historical and political dimensions of constitutional designs and practises on two continents Hopefully such historical depth charts will expand the horizon of debates among experts and decision makers The first part concentrates on the historical dimension It deals with the experiences and perceptions of basic American political principles developments of international and humanitarian law and the historical dimension of constitutional debates The second part of the book aims at culling potential lessons from the American constitutional experience and the remarkable longevity of the U S constitution Additional chapters concentrate on specific aspects and elements of the European constitutional debate courts of law human rights minority protections as well as gender equality Still other contributions focus on the historical context of the recent European Constitutional Convention Chapters on writing a European bill of rights the EU reform debates of the 1990s and finally an analysis of the Brussels Constitutional Summit of June 2004 are also included The spillover effects of the economic and monetary union on the constitutional debates are covered here as well as Asian perceptions of European integration Practitioners and scholars address in this volume historical political and diplomatic dimensions and achievements in the process of European constitution making and its chances of success in the future Finally the current tensions in the Atlantic world are analysed and what they may portend for the future of European Union security options

Revolutionary America, 1763-1815 Francis D. Cogliano, 2003-09-02 The American Revolution describes and explains the crucial events in the history of the United States between 1763 and 1815 when settlers in North America rebelled against British authority won their independence in a long and bloody struggle and created an enduring republic Placing the political revolution at the core of the story this book considers the deterioration of the relationship between Britain and the American colonists the Wars of Independence the creation of the republican government and the ratification of the United States Constitution the trials and tribulations of the first years of the new republic The American Revolution also examines those who paradoxically were excluded from the political life of the new republic and the American claim to uphold the principle that all men are created equal In particular this book describes the experiences of women who were often denied the rights of citizens Native Americans and African Americans The American Revolution is an important book for all students of the American past

Religious Liberty in America Louis Fisher, 2002 It is often assumed that the judiciary especially the Supreme Court provides the best protection of our religious freedom Louis Fisher however argues that only on occasion does the Court lead

the charge for minority rights More likely it is seen pulling up the rear By contrast Congress frequently acts to protect religious groups by exempting them from general laws on taxation social security military service labor and countless other statutes Indeed legislative action on behalf of religious freedom is an American success story but one that renowned constitutional authority Fisher argues has been poorly understood by most of us Taking in the full span of American history Fisher demonstrates that over the course of two centuries of American government Congress has often been in the forefront of establishing and protecting rights that have been neglected denied or unrecognized by the Court and that statutory provisions far outstrip in both number and importance the court cases that have expanded religious rights In this concise and insightful book Fisher presents a series of important case studies that explain how Supreme Court rulings on religious liberty have been challenged and countermanded by public pressures legislation and independent state action He tells how religious groups interested in securing the rights of conscientious objectors received satisfaction by taking their cases to Congress not the courts how public uproar over a 1940 Supreme Court ruling sustaining compulsory flag salutes resulted in a court reversal and how Congress intervened in a 1986 ruling upholding a military prohibition of skullcaps for Jews By describing other controversies such as school prayer Indian religious freedom the religious use of peyote and statutory exemptions for religious organizations Fisher convincingly demonstrates that we must understand the political and not just the judicial context for the safeguards that protect religious minorities As this book shows the origin and growth of an individual's right to believe or not believe and the securing of that right has occurred almost entirely outside the courtroom *Religious Liberty in America* persuasively challenges judicial supremacists on church state issues and provides a highly readable introduction for all students and citizens concerned with their right to believe as they wish

Official Reports of the Supreme Court
United States. Supreme Court, 2011

The Constitution and 9/11 Louis Fisher, 2008 *The Constitution and 9/11* provides a comprehensive striking and disturbing analysis of executive misuse of power that is made all the more compelling by placing it in a rich and fascinating historical context No better book is available for placing post 9/11 government actions in the matrix of history and explaining how executive power has degraded the Constitution and citizen rights William G Weaver
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International Law in the U.S. Legal System Curtis Bradley, 2013-03-21 *International Law in the U S Legal System* decodes the often complicated ways that international law operates within the United States legal system and sheds light on unresolved issues and areas of controversy The book covers all of the principal forms of international law including treaties decisions and orders of international institutions customary international law jus cogens norms and general principles It also explores a number of issues that are implicated by the intersection of U S law and international law such as foreign sovereign immunity international human rights litigation extradition and extraterritoriality

The Law of U.S. Foreign Relations Sean D. Murphy, Edward T. Swaine, 2023 *The Law of U S Foreign Relations* is a comprehensive and incisive discussion of the rules that govern the conduct of U S relations with foreign countries and international organizations and the

rules governing how international law applies within the U S legal system Among other topics this volume examines the constitutional and historical foundations of congressional executive and judicial authority in foreign affairs This includes the constitutional tensions prevalent in legislative efforts to control executive diplomacy as well as the ebb and flow of judicial engagement in transnational disputes with the judiciary often serving as umpire but at times invoking doctrines of abstention The process of U S adherence to treaties and other international agreements is closely scrutinized as the authors examine how such law as well as customary international law and the law making acts of international organizations can become a source of U S law Individual chapters focus on the special challenges posed by the exercise of war powers by the federal government including during recent incidents of international armed conflict the complex role of the several states in foreign affairs and the imperative to protect individual rights in the transnational sphere Among the contemporary issues discussed are the immunity of foreign heads of State treatment of detainees at Guant namo movement of the U S Embassy in Israel to Jerusalem state level foreign compacts to address climate change bans affecting refugees and asylum seekers and recent interpretations of key statutes such as the Alien Tort Statute the Torture Victim Protection Act and the Foreign Sovereign Immunities Act

The Language of Law and the Foundations of American Constitutionalism Gary L.

McDowell,2010-06-28 For much of its history the interpretation of the United States Constitution presupposed judges seeking the meaning of the text and the original intentions behind that text a process that was deemed by Chief Justice John Marshall to be the most sacred rule of interpretation Since the end of the nineteenth century a radically new understanding has developed in which the moral intuition of the judges is allowed to supplant the Constitution s original meaning as the foundation of interpretation The Founders Constitution of fixed and permanent meaning has been replaced by the idea of a living or evolving constitution Gary L McDowell refutes this new understanding recovering the theoretical grounds of the original Constitution as understood by those who framed and ratified it It was he argues the intention of the Founders that the judiciary must be bound by the original meaning of the Constitution when interpreting it

Constitutionalism, Executive Power, and the Spirit of Moderation Giorgi Areshidze,Paul O. Carrese,Suzanna Sherry,2016-05-19 In

Constitutionalism Executive Power and the Spirit of Moderation contributors ranging from scholars to practitioners in the federal executive and judicial branches blend philosophical and political modes of analysis to examine a variety of constitutional legal and philosophical topics Part 1 The Role of Courts in Constitutional Democracy analyzes the proper functions and limits of the judiciary and judicial decision making in constitutional government Part 2 Law and Executive Authority reflects on the tensions between constitutionalism and presidential leadership in both domestic and international arenas Part 3 Liberal Education Constitutionalism and Philosophic Moderation shifts the focus to the relationship between constitutionalism and political philosophy and especially to the modern modes of philosophy that most directly influenced the American Founders A valuable resource for specialists the book also will be of use in political science and law school classes

Federalism, the Supreme Court, and the Seventeenth Amendment Ralph A. Rossum, 2001-09-12 Abraham Lincoln worried that the walls of the constitution would ultimately be leveled by the silent artillery of time His fears materialized with the 1913 ratification of the Seventeenth Amendment which by eliminating federalism's structural protection altered the very nature and meaning of federalism Ralph A Rossum's provocative new book considers the forces unleashed by an amendment to install the direct election of U S Senators Far from expecting federalism to be protected by an activist court the Framers Rossum argues expected the constitutional structure particularly the election of the Senate by state legislatures to sustain it In Federalism the Supreme Court and the Seventeenth Amendment Rossum challenges the fundamental jurisprudential assumptions about federalism He also provides a powerful indictment of the controversial federalist decisions recently handed down by an activist U S Supreme Court seeking to fill the gap created by the Seventeenth Amendment's ratification and protect the original federal design Rossum's masterful handling of the development of federalism restores the true significance to an amendment previously consigned to the footnotes of history It demonstrates how the original federal design has been amended out of existence the interests of states as states abandoned and federalism left unprotected both structurally and democratically It highlights the ultimate irony of constitutional democracy that an amendment intended to promote democracy even at the expense of federalism has been undermined by an activist court intent on protecting federalism at the expense of democracy

The American Congress Steven S. Smith, Jason M. Roberts, Ryan J. Vander Wielen, 2011-08-31 The American Congress provides the most current treatment of congressional politics available in an undergraduate text Informed by the authors Capitol Hill experience and scholarship this book presents a crisp introduction to major features of Congress parties and committee systems leadership voting and floor activity This text contains discussions of the importance of presidents courts and interest groups in congressional policy making Recent developments are also discussed within the context of congressional political history The seventh edition includes complete coverage of the first Congress of the Obama presidency the 2010 midterm elections healthcare reform and an early perspective on the 112th Congress with a Republican majority

The Federal Courts Peter Charles Hoffer, William James Hoffer, N. E. H. Hull, 2016 There are moments in American history when all eyes are focused on a federal court when its bench speaks for millions of Americans and when its decision changes the course of history More often the story of the federal judiciary is simply a tale of hard work of finding order in the chaotic system of state and federal law local custom and contentious lawyering The Federal Courts is a story of all of these courts and the judges and justices who served on them of the case law they made and of the acts of Congress and the administrative organs that shaped the courts But even more importantly this is a story of the courts development and their vital part in America's history Peter Charles Hoffer William James Hull Hoffer and N E H Hull's retelling of that history is framed the three key features that shape the federal courts narrative the separation of powers the federal system in which both the national and state governments are sovereign and the widest circle the democratic

republican framework of American self government The federal judiciary is not elective and its principal judges serve during good behavior rather than at the pleasure of Congress the President or the electorate But the independence that lifetime tenure theoretically confers did not and does not isolate the judiciary from political currents partisan quarrels and public opinion Many vital political issues came to the federal courts and the courts decisions in turn shaped American politics The federal courts while the least democratic branch in theory have proved in some ways and at various times to be the most democratic open to ordinary people seeking redress for example Litigation in the federal courts reflects the changing aspirations and values of America s many peoples The Federal Courts is an essential account of the branch that provides what Massachusetts Supreme Judicial Court Judge Oliver Wendell Holmes Jr called a magic mirror wherein we see reflected our own lives

The Development of the American Presidency Richard J. Ellis, 2013-06-17 Our understanding of the politics of the presidency is greatly enhanced by viewing it through a developmental lens analyzing how historical turns have shaped the modern institution The Development of the American Presidency pays great attention to that historical weight but is organized topically and conceptually with the constitutional origins and political development of the presidency its central focus Through comprehensive and in depth coverage this text looks at how the presidency has evolved in relation to the public to Congress to the Executive branch and to the law showing at every step how different aspects of the presidency have followed distinct trajectories of change All the while Ellis illustrates the institutional relationships and tensions through stories about particular individuals and specific political conflicts Ellis s own classroom pedagogy of promoting active learning and critical thinking is well reflected in these pages Each chapter begins with a narrative account of some illustrative puzzle that brings to life a central concept A wealth of photos figures and tables allow for the visual presentations of concepts A companion website not only acts as a further resources base directing students to primary documents newspapers and data sources but also presents interactive timelines practice quizzes and key terms to help students master the book s lessons

The Invention of the United States Senate Daniel Wirls, Stephen Wirls, 2004-03-04 The invention of the United States Senate was the most complicated and confounding achievement of the Constitutional Convention Although much has been written on various aspects of Senate history this is the first book to examine and link the three central components of the Senate s creation the theoretical models and institutional precedents leading up to the Constitutional Convention the work of the Constitutional Convention on both the composition and powers of the Senate and the initial institutionalization of the Senate from ratification through the early years of Congress The authors show how theoretical principles of a properly constructed Senate interacted with political interests and power politics in the multidimensional struggle to construct the Senate before during and after the convention

American Federalism Today Michael J. Boskin, 2024-09-01 What are federalism s challenges and opportunities today The framers of the US Constitution enumerated specific powers for the federal government leaving all else under the purview of states or the people Over time the federal

government has expanded its role yet the American people have more trust in state and local governments that are closer to them and where co partisanship is often a matter of necessity Scholars and practitioners in policymaking gathered at the Hoover Institution in September 2023 to discuss the ramifications of federalism for contemporary issues American Federalism Today presents those conference proceedings Renowned experts from a range of disciplines including economics political science history and law lay out the key priorities in evaluating and reinvigorating America s federal system of governance Among the topics they examine are infrastructure education and healthcare financing trust in government and intergovernmental relations in an era of rising federal debt and unfunded state and local liabilities Three influential governors Mitch Daniels Jeb Bush and Jerry Brown describe navigating the federalist system as they led their states through many challenges This unique compilation draws on the remarkable expertise and experience of its contributors to probe federalism s strengths weaknesses opportunities and challenges in the nation s political and economic governance

The Second Creation Jonathan Gienapp, 2018-10-09 A stunning revision of our founding document s evolving history that forces us to confront anew the question that animated the founders so long ago What is our Constitution Americans widely believe that the United States Constitution was created when it was drafted in 1787 and ratified in 1788 But in a shrewd rereading of the Founding era Jonathan Gienapp upends this long held assumption recovering the unknown story of American constitutional creation in the decade after its adoption a story with explosive implications for current debates over constitutional originalism and interpretation When the Constitution first appeared it was shrouded in uncertainty Not only was its meaning unclear but so too was its essential nature Was the American Constitution a written text or something else Was it a legal text Was it finished or unfinished What rules would guide its interpretation Who would adjudicate competing readings As political leaders put the Constitution to work none of these questions had answers Through vigorous debates they confronted the document s uncertainty and over time how these leaders imagined the Constitution radically changed They had begun trying to fix or resolve an imperfect document but they ended up fixing or cementing a very particular notion of the Constitution as a distinctively textual and historical artifact circumscribed in space and time This means that some of the Constitution s most definitive characteristics ones which are often treated as innate were only added later and were thus contingent and optional

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