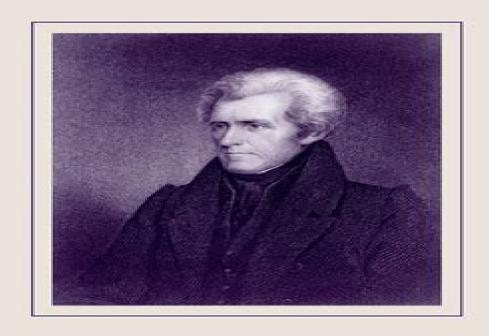
### David P. Currie

## THE CONSTITUTION IN CONGRESS



Democrats and Whigs

# **Constitution In Congress Democrats And Whigs 1829 1861**

Michael J. Gerhardt

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Mashaw demonstrates that from the very beginning Congress delegated vast discretion to administrative officials and armed them with extrajudicial adjudicatory rulemaking and enforcement authority The legislative and administrative practices of the U S Constitution s first century created an administrative constitution hardly hinted at in its formal text Beyond describing a history that has previously gone largely unexamined this book in the author s words will demonstrate that there has been no precipitous fall from a historical position of separation of powers grace to a position of compromise there is not a new administrative constitution whose legitimacy should be understood as not only contestable but deeply problematic

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 A History of Western Public Law Bruno Aguilera-Barchet, 2014-12-31 The book outlines the historical development of Public Law and the state from ancient times to the modern day offering an account of relevant events in parallel with a general historical background establishing and explaining the relationships between political religious and economic events Encyclopedia of the United States Constitution David Andrew Schultz, 2010-05-18 Covers the people court cases historical events and terms relating to one of the most studied political documents in schools across the country the United States Constitution The Collective-action Constitution Neil S. Siegel, 2024 The Collective Action Constitution discusses how the U S Constitution is based on the principles of collective action among states and how this understanding can provide guidance on addressing the sobering problems facing America today The Constitution in **Congress** David P. Currie, 2024-05-31 The Constitution in Congress series has been called nothing less than a biography of the US Constitution for its in depth examination of the role that the legislative and executive branches have played in the development of constitutional interpretation This third volume in the series the early installments of which dealt with the Federalist and Jeffersonian eras continues this examination with the Jacksonian revolution of 1829 and subsequent efforts by

Democrats to dismantle Henry Clay's celebrated American System of nationalist economics David P Currie covers the political events of the period leading up to the start of the Civil War showing how the slavery question although seldom overtly discussed in the debates included in this volume underlies the Southern insistence on strict interpretation of federal powers Like its predecessors The Constitution in Congress Democrats and Whigs will be an invaluable reference for legal scholars and constitutional historians alike The Federal Impeachment Process Michael J. Gerhardt, 2019-04-12 As President Trump and Congressional Democrats battle over the findings of the Mueller report talk of impeachment is in the air But what are the grounds for impeaching a sitting president Who is subject to impeachment Is impeachment effective as a safeguard against presidential misconduct What challenges does today s highly partisan political climate pose to the impeachment process and what if any meaningful alternatives are there for handling presidential misconduct For more than twenty years The Federal Impeachment Process has served as the most complete analysis of the constitutional and legal issues raised in every impeachment proceeding in American history Impeachment Michael I Gerhardt shows is an inherently political process designed to expose and remedy political crimes serious breaches of duty or injuries to the Republic Subject neither to judicial review nor to presidential veto it is a unique congressional power that involves both political and constitutional considerations including the gravity of the offense charged the harm to the constitutional order and the link between an official s misconduct and duties For this third edition Gerhardt updates the book to cover cases since President Clinton as well as recent scholarly debates He discusses the issues arising from the possible impeachment of Donald Trump including whether a sitting president may be investigated prosecuted and convicted for criminal misconduct or whether impeachment and conviction in Congress is the only way to sanction a sitting president what the Emoluments Clause means and whether it might provide the basis for the removal of the president whether gross incompetence may serve as the basis for impeachment and the extent to which federal conflicts of interest laws apply to the president and other high ranking officials Significantly updated this book will remain the standard work on the federal impeachment process for years to come

Andrew Jackson and the Constitution Gerard N. Magliocca, 2007-04-02 What happens when the political ideas and constitutional interpretations of one generation are replaced by those of another This process has occurred throughout American history down to the present day as we the people change our minds about how we govern ourselves Depicting a monumental clash of generations Gerard Magliocca reminds us once again how our Constitution remains a living document Magliocca reinterprets the legal landmarks of the Jacksonian era to demonstrate how the meaning of the Constitution evolves in a cyclical and predictable fashion He highlights the ideological battles fought by Jacksonian Democrats against Federalists and Republicans over states rights presidential authority the scope of federal power and other issues By doing so he shows how presidential politics Supreme Court decisions and congressional maneuverings interweave creating a recurrent pattern of constitutional change Magliocca builds on the view that major changes in American political and constitutional

development occur generationally in roughly thirty year intervals and move from dominant regime to the emergence of a counter regime Focusing on a period largely neglected in studies of such change he offers a lucid introduction to the political and legal history of the antebellum era while tracing Jackson's remarkable consolidation of power in the executive branch The Jacksonian movement grew out of discontent over the growth of federal power and the protection given Native Americans at the expense of frontier whites and Magliocca considers such issues to support his argument He examines Jackson's defeat of the Bank of the United States shows how his clash with the Marshall Court over the Cherokee problem in Worcester v Georgia sparked the revival of abolitionist culture and foreshadowed the Fourteenth Amendment and also offers a new look at Dred Scott M Culloch v Maryland judicial review and presidential vetoes His analysis shows how the interaction of reformers and conservatives drives change and how rough and tumble politics shapes our Republic more than the creativity of judicial decisions Offering intriguing parallels between Jackson and George W Bush regarding the scope of executive power Magliocca has produced a rich synthesis of history political science and law that revives our understanding of an entire era and its controversies while providing a model of constitutional law applicable to any period **Development of the American Presidency** Richard Ellis, 2022-05-02 A full understanding of the institution of the American presidency requires us to examine how it developed from the founding to the present This developmental lens analyzing how historical turns have shaped the modern institution allows for a richer more nuanced understanding The Development of the American Presidency pays great attention to that historical weight but is organized by the topics and concepts relevant to political science with the constitutional origins and political development of the presidency its central focus Through comprehensive and in depth coverage Richard I Ellis 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 Each chapter promotes active learning beginning 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 New to the Fourth Edition Explicit and expanded attention to the role of norms in shaping and constraining presidential power with special focus on Trump's norm breaking and Biden's efforts to shore up norms Enhanced focus on the prospects for institutional reform including in the electoral college presidential relations with Congress war powers and the selection of Supreme Court justices A full reckoning with the Trump presidency and its significance for the future of American democracy presidential rhetoric the unilateral executive and the administrative state Coverage of the first year of Biden's presidency including presidential rhetoric relations with Congress and the bureaucracy use of the war powers and unilateral directives Comprehensive updating of debates about the removal power including the Supreme Court cases of Seila Law v CFPB and Collins v Yellen In depth exploration of the impact of partisan polarization on the legislative presidency and effective governance Analysis of the 2020 election and its aftermath Expanded discussion of impeachment to incorporate

Trump s two impeachments Examination of presidential emergency powers with special attention to Trump s border wall declaration Review of Biden s and Trump s impact on the judiciary Assessment of Biden s and Trump s place in political time

Stephen A. Douglas and Antebellum Democracy Martin H. Quitt, 2012-09-24 Demonstrates how Stephen Douglas s path to overnight stardom in Illinois led to his identification with the Democratic Party The Age of Strict Construction Peter Zavodnyik, 2007-10 The Age of Strict Construction explores the growth of the federal government's power and influence between 1789 and 1861 and the varying reactions of Americans to that growth The Death of Treaty Supremacy David Sloss, 2016 Pr sentation de l diteur This book provides the first detailed history of the Constitution s treaty supremacy rule It describes a process of invisible constitutional change The treaty supremacy rule was a bedrock principle of constitutional law for more than 150 years It provided that treaties are supreme over state law and that courts have a constitutional duty to apply treaties that conflict with state laws The rule ensured that state governments did not violate U S treaty obligations without authorization from the federal political branches In 1945 the United States ratified the UN Charter which obligates nations to promote human rights for all without distinction as to race In 1950 a California court applied the Charters human rights provisions along with the traditional supremacy rule to invalidate a state law that discriminated against Japanese nationals The implications were shocking the decision implied that the United States had abrogated Jim Crow laws throughout the South by ratifying the UN Charter Conservatives reacted by lobbying for a constitutional amendment known as the Bricker Amendment to abolish the treaty supremacy rule The amendment never passed but Bricker's supporters achieved their goals through de facto constitutional change Before 1945 the treaty supremacy rule was a mandatory constitutional rule that applied to all treaties The de facto Bricker Amendment converted the rule into an optional rule that applies only to self executing treaties Under the modern rule state governments are allowed to violate national treaty obligations including international human rights obligations that are embodied in non self executing treaties The White House Vice Presidency Joel K. Goldstein, 2017-03-03 I am nothing but I may be everything John Adams the first vice president wrote of his office And for most of American history the nothing part of Adams's formulation accurately captured the importance of the vice presidency at least as long as the president had a heartbeat But a job that once was not worth a bucket of warm spit according to John Nance Garner became in the hands of the most recent vice presidents critical to the governing of the country on an ongoing basis It is this dramatic development of the nation s second office that Joel K Goldstein traces and explains in The White House Vice Presidency The rise of the vice presidency took a sharp upward trajectory with the vice presidency of Walter Mondale In Goldstein's work we see how Mondale and Jimmy Carter designed and implemented a new model of the office that allowed the vice president to become a close presidential adviser and representative on missions that mattered Goldstein takes us through the vice presidents from Mondale to Joe Biden presenting the arrangements each had with his respective president showing elements of continuity but also variations in the

office and describing the challenges each faced and the work each did The book also examines the vice presidential selection process and campaigns since 1976 and shows how those activities affect and or are affected by the newly developed White House vice presidency The book presents a comprehensive account of the vice presidency as the office has developed from Mondale to Biden But The White House Vice Presidency is more than that it also shows how a constitutional office can evolve through the repetition of accumulated precedents and demonstrates the critical role of political leadership in institutional development In doing so the book offers lessons that go far beyond the nation s second office important as it now has become

**Electing the House** Jay K. Dow, 2017-04-07 In the United States we elect members of the House of Representative from single member districts the candidate who receives the most votes from each geographically defined district wins a seat in the House This system so long in place that it seems perfectly natural is however unusual Most countries use proportional representation to elect their legislatures Electing the House is the first book length study to explore how the US came to adopt the single member district system how it solidified into a seemingly permanent fixture of American government and whether it performs well by the standards it was intended to achieve The US Constitution grants the states the authority to elect representatives in a manner of their own choosing subject to restrictions that Congress might impose Electing the House reminds us that in the nation s early years the states exercised this privilege and elected their representatives using a variety of methods Dow traces the general adoption of the present system to the Jacksonian Era specifically to the major franchise expansion and voter mobilization of the time The single member district plurality rule system was the Federalists solution to tyranny of the majority under the expectation of universal franchise and the Jacksonian Whigs Era response to the political uncertainty caused by large scale voter mobilization The system was solidified concurrently with the enfranchisement of women in the early twentieth century and African Americans in the Civil Rights Era Dow persuasively argues that the single member district system became the way that we elect our representatives because it fits especially well within the corpus of political thought that informs our collective understanding of good governance and it performs well by the standards it was meant to achieve and these standards are still relevant today Locating the development of single member district system within the context of American political thought Dow's study clarifies the workings and the significance of a critical electoral process in our time In the process the book informs and enhances our understanding of the evolution of the American political system **Progressive States' Rights** Sean Beienburg, 2024-03-29 Today when politicians pundits and scholars speak of states rights they are usually referring to Southern efforts to curtail the advance of civil rights policies or to conservative opposition to the federal government under the New Deal Great Society and Warren Court Sean Beienburg shows that this was not always the case and that there was once a time when federalism the form of government that divides powers between the state and federal governments was associated with progressive rather than conservative politics In Progressive States Rights Sean Beienburg tells an alternative story of federalism by exploring states

efforts in the years before the New Deal of shaping constitutional discourse to ensure that a protective welfare and regulatory governmental regime would be built in the states rather than the national government These state level actors not only aggressively participated in constitutional politics and interpretation but also specifically sought to create an alternative model of state building that would pair a robust state power on behalf of the public good with a traditionally limited national government Current politics generally collapse policy and constitutional views where a progressive view on one policy also assumes a progressive view on the other but Beienburg shows that this was not always true and indeed many of those most devoted to progressive policy views were deeply committed to a conservative constitutionalism The Spirit of the Constitution David S. Schwartz, 2019 The Spirit of the Constitution covers the impact and reputation of both McCulloch and Justice Marshall himself throughout American history One of the central threads of American history is the battle over the proper reach of the federal government s power and that story cannot be told without reference to McCulloch Schwartz s analysis of the shifting interpretations of McCulloch and Marshall over the course of American history not only reaffirms the case s importance it also helps us understand the circuitous process by which American constitutional law and ideology are Reconstructing the National Bank Controversy Eric Lomazoff, 2018-11-07 The Bank of the United States sparked made several rounds of intense debate over the meaning of the Constitution's Necessary and Proper Clause which authorizes the federal government to make laws that are necessary for exercising its other powers Our standard account of the national bank controversy however is incomplete The controversy was much more dynamic than a two sided debate over a single constitutional provision and was shaped as much by politics as by law With Reconstructing the National Bank Controversy Eric Lomazoff offers a far more robust account of the constitutional politics of national banking between 1791 and 1832 During that time three forces changes within the Bank itself growing tension over federal power within the Republican coalition and the endurance of monetary turmoil beyond the War of 1812 drove the development of our first major debate over the scope of federal power at least as much as the formal dimensions of the Constitution or the absence of a shared legal definition for the word necessary These three forces sometimes alone sometimes in combination repeatedly reshaped the terms on which the Bank's constitutionality was contested Lomazoff documents how these three dimensions of the polity changed over time and traces the manner in which they periodically led federal officials to adjust their claims about the Bank s constitutionality This includes the emergence of the Coinage Clause which gives Congress power to coin money regulate the value thereof as a novel justification for the institution He concludes the book by explaining why a more robust account of the national bank controversy can help us understand the constitutional basis for modern American monetary politics

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