

# **Antonin Scalias Jurisprudence Text And Tradition**

Ralph A. Rossum

## **Antonin Scalias Jurisprudence Text And Tradition:**

Antonin Scalia's Jurisprudence Ralph A. Rossum, 2016-12-12 In the new afterword Ralph Rossum covers Antonin Scalia's entire career and discusses the thirty eight major opinions since the original 2006 publication including District of Columbia v Heller his dissent in the Obamacare cases of NFIB v Sebelius and King v Burwell his important recess appointments case of NLRB v Noel Canning his procedural decisions on the Fourth Amendment and the Confrontation Clause his equal protection racial preference opinions and Hein v Freedom from Religion Foundation Lionized by the right and demonized by the left Supreme Court Justice Antonin Scalia is the high court's quintessential conservative Witty outspoken often abrasive he is widely regarded as the most controversial member of the Court This book is the first comprehensive reasoned and sympathetic analysis of how Scalia has decided cases during his entire twenty year Supreme Court tenure Ralph Rossum focuses on Scalia's more than 600 Supreme Court opinions and dissents carefully wrought passionately argued and filled with well turned phrases which portray him as an eloquent defender of an original meaning jurisprudence He also includes analyses of Scalia's Court of Appeals opinions for the D C circuit his major law review articles as a law professor and judge and his provocative book A Matter of Interpretation Rossum reveals Scalia's understanding of key issues confronting today's Court such as the separation of powers federalism the free speech and press and religion clauses of the First Amendment and the due process and equal protection clauses of the Fourteenth Amendment He suggests that Scalia displays such a keen interest in defending federalism that he sometimes departs from text and tradition and reveals that he has disagreed with other justices most often in decisions involving the meaning of the First Amendment's establishment clause He also analyzes Scalia's positions on the commerce clause and habeas corpus clause of Article I the take care clause of Article II the criminal procedural provisions of Amendments Four through Eight protection of state sovereign immunity in the Eleventh Amendment and Congress s enforcement power under Section 5 of the Fourteenth Amendment The first book to fully articulate the contours of Scalia s constitutional philosophy and jurisprudence Rossum s insightful study ultimately depicts Scalia as a principled consistent and intelligent textualist who is fearless and resolute notwithstanding the controversy he often inspires

Antonin Scalia's Jurisprudence Ralph A. Rossum, 2006 This book is the first comprehensive reasoned and sympathetic analysis of how Scalia has decided cases during his entire nineteen year Supreme Court tenure Ralph Rossum focuses on Scalia's more than 600 Supreme Court opinions and dissents carefully wrought passionately argued and filled with well turned phrases which portray him as an eloquent defender of an original meaning jurisprudence He also includes analyses of Scalia's Court of Appeals opinions for the D C Circuit his major law review articles as a law professor and judge and his provocative book A Matter of Interpretation Jacket Antonin Scalia and American Constitutionalism Edward A. Purcell, Jr., 2020-05-07 Antonin Scalia and American Constitutionalism is an in depth study of Justice Antonin Scalia's jurisprudence his work on the Supreme Court and his significance in the history of American constitutionalism After tracing Scalia's rise to

Associate Justice and his subsequent emergence as a hero of the Republican Party and the political right this book reviews and criticizes his general jurisprudential theory arguing that he failed to produce either the objective method he claimed or the correct constitutional results he promised Focusing on his judicial performance over his thirty years on the Court it examines his decisions and opinions on virtually all of the constitutional issues he addressed from the fundamentals of structure federalism separation of powers and the Article III judicial power to specific interpretations of most major constitutional provisions involving governmental powers and the rights of individuals under the Bill of Rights and the Fourteenth Amendment This book argues that Scalia applied his jurisprudential theories in inconsistent and contradictory ways and often ignored distorted or abandoned the interpretive methods he proclaimed to reach the results he sought results that were aligned with and supported by the post Reagan Republican coalition Scalia was far more consistent in enforcing such ideologically compatible results than he was in following his proclaimed jurisprudential theories Finally assessing Scalia s historical significance Antonin Scalia and American Constitutionalism argues that his jurisprudence and career are particularly illuminating because they exemplify contrary to his persistent claims three paramount characteristics of American constitutionalism the inherent inadequacy of originalism and other formal interpretive methodologies to produce consistent and correct answers to controverted constitutional questions the close relationship that exists particularly so in Scalia's case between constitutional theories and interpretations on one hand and substantive political goals and values on the other and the unavoidably living nature of American constitutionalism itself All in all Scalia stands as a towering figure of irony because his judicial career deconstructed the central claims of his own jurisprudence The American Iudicial **Tradition** G. Edward White, 2007-01-11 In this revised third edition of a classic in American jurisprudence G Edward White updates his series of portraits of the most famous appellate judges in American history from John Marshall to Oliver W Holmes to Warren E Burger with a new chapter on the Rehnquist Court White traces the development of the American judicial tradition through biographical sketches of the careers and contributions of these renowned judges In this updated edition he argues that the Rehnquist Court's approach to constitutional interpretation may have ushered in a new stage in the American judicial tradition The update also includes a new preface and revised bibliographic note The Supreme Court Compendium Lee Epstein, Jeffrey A. Segal, Harold Joseph Spaeth, Thomas G. Walker, 2021-09-02 The Supreme Court Compendium provides historical and statistical information on the Supreme Court its institutional development caseload decision trends the background nomination and voting behavior of its justices its relationship with public governmental and other judicial bodies and its impact With over 180 tables and figures this new edition is intended to capture the full retrospective picture through the 2013 2014 term of the Roberts Court and the momentous decisions handed down within the last four years including United States v Windsor National Federation of Independent Business v Sebelius and Shelby County v Holder Rhetoric, Persuasion, and Modern Legal Writing Brian L. Porto, 2020-02-11 Classical rhetorical

techniques can enhance the persuasiveness of Supreme Court opinions by making their language clear lively and memorable This book focuses on three techniques invention creation of arguments arrangement organization and style word choice in the work of Oliver Wendell Holmes Jr Robert Jackson Hugo Black William Brennan and Antonin Scalia respectively The justices featured here contributed to the Court's rhetorical legacy in different ways but all five rejected the magisterial opinion style of the eighteenth and nineteenth centuries in favor of a more personal and conversational format As a result their opinions have endured and even modern readers who cannot recall the justices names understand and embrace the ideas expressed in their legal writings and apply those ideas to current debates Practicing lawyers professors and students can use this book to study legal writing techniques and make their own writing more persuasive Originalism in American Law and Politics Johnathan O'Neill, 2005-07-12 This book explains how the debate over originalism emerged from the interaction of constitutional theory U S Supreme Court decisions and American political development Refuting the contention that originalism is a recent concoction of political conservatives like Robert Bork Johnathan O Neill asserts that recent appeals to the origin of the Constitution in Supreme Court decisions and commentary especially by Justices Antonin Scalia and Clarence Thomas continue an established pattern in American history Originalism in American Law and Politics is distinguished by its historical approach to the topic Drawing on constitutional commentary and treatises Supreme Court and lower federal court opinions congressional hearings and scholarly monographs O Neill's work will be valuable to historians academic lawyers and political scientists The Yale Biographical Dictionary of American Law Roger K. Newman, 2009-01-01 This book is the first to gather in a single volume concise biographies of the most eminent men and women in the history of American law Encompassing a wide range of individuals who have devised replenished expounded and explained law The Yale Biographical Dictionary of American Law presents succinct and lively entries devoted to more than 700 subjects selected for their significant and lasting influence on American law Casting a wide net editor Roger K Newman includes individuals from around the country from colonial times to the present encompassing the spectrum of ideologies from left wing to right and including a diversity of racial ethnic and religious groups Entries are devoted to the living and dead the famous and infamous many who upheld the law and some who broke it Supreme Court justices private practice lawyers presidents professors journalists philosophers novelists prosecutors and others the individuals in the volume are as diverse as the nation itself Entries written by close to 600 expert contributors outline basic biographical facts on their subjects offer well chosen anecdotes and incidents to reveal accomplishments and include brief bibliographies Readers will turn to this dictionary as an authoritative and useful resource but they will also discover a volume that delights and entertains Listed in The Yale Biographical Dictionary of American Law John Ashcroft Robert H Bork Bill Clinton Ruth Bader Ginsburg Patrick Henry J Edgar Hoover James Madison Thurgood Marshall Sandra Day O Connor Janet Reno Franklin D Roosevelt Julius and Ethel Rosenberg John T Scopes O J Simpson Alexis de Tocqueville Scott Turow And more than 700

others American Constitutional Law, Volume II Ralph Rossum, Alan Tarr, Vincent Phillip Munoz, 2019-07-23 American Constitutional Law 11e Volume II provides a comprehensive account of the nation's defining document examining how its provisions were originally understood by those who drafted and ratified it and how they have since been interpreted by the Supreme Court Congress the President lower federal courts and state judiciaries Clear and accessible chapter introductions and a careful balance between classic and recent cases provide students with a sense of how the law has been understood and construed over the years The 11th Edition now includes several landmark First Amendment cases including Janus v American Federation of State County and Municipal Employees 2018 Minnesota Voters Alliance v Mansky 2018 National Institute of Family and Life Advocates v Beccera 2018 Trinity Lutheran Church v Comer 2017 and Masterpiece Cakeshop v Colorado Civil Rights Commission 2018 It also includes Carpenter v United States 2018 A revamped and expanded companion website offers access to even more additional cases an archive of primary documents and links to online resources making this text essential for any constitutional law course **History of American Political Thought** Bryan-Paul Frost, Jeffrey Sikkenga, 2003-07-14 Revised and updated this long awaited second edition provides a comprehensive introduction to what the most thoughtful Americans have said about the American experience from the colonial period to the present The book examines the political thought of the most important American statesmen activists and writers across era and ideologies helping another generation of students scholars and citizens to understand more fully the meaning of America This new second edition of the book includes new essays on Walt Whitman Lyndon Baines Johnson Ronald Reagan and Barack Obama Significant revisions and additions have also been made to many of the original essays increasing the breadth and depth of the collection

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