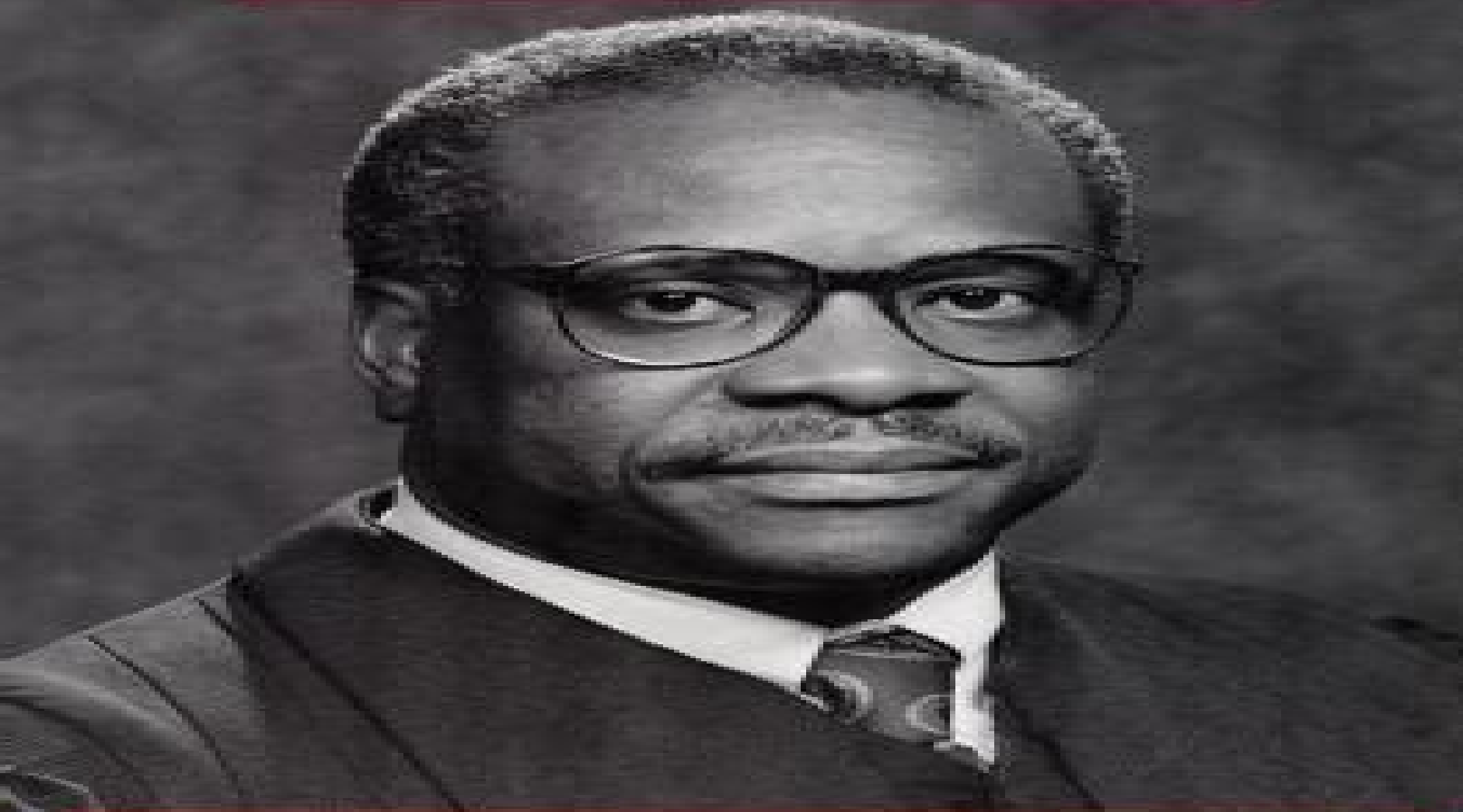


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FIRST PRINCIPLES

The Jurisprudence of Clarence Thomas

SCOTT DOUGLAS GERBER

First Principles The Jurisprudence Of Clarence Thomas

Xiaolong Qi



First Principles The Jurisprudence Of Clarence Thomas:

First Principles Scott Douglas Gerber, 1999 Clarence Thomas is one of the most vilified public figures of our day To date however his legal philosophy has received only cursory treatment First Principles provides a portrait of Thomas based not on the justice s caricatured reputation but on his judicial opinions and votes his scholarly writings and his public speeches The paperback edition includes a provocative new Afterword by the author bringing the book up to date by assessing Justice Thomas s performance and the reaction to his decisions during the last five years

First Principles Scott Douglas Gerber, 1999 Clarence Thomas is one of the most vilified public figures of our day To date however his legal philosophy has received only cursory treatment First Principles provides a portrait of Thomas based not on the justice s caricatured reputation but on his judicial opinions and votes his scholarly writings and his public speeches The paperback edition includes a provocative new Afterword by the author bringing the book up to date by assessing Justice Thomas s performance and the reaction to his decisions during the last five years

The Enigma of Clarence Thomas Corey Robin, 2019-09-24 The Enigma of Clarence Thomas is a groundbreaking revisionist take on the Supreme Court justice everyone knows about but no one knows One of the marvels of Robin s razor sharp book is how carefully he marshals his evidence It isn t every day that reading about ideas can be both so gratifying and unsettling The New York Times Most people can tell you two things about Clarence Thomas Anita Hill accused him of sexual harassment and he almost never speaks from the bench Here are some things they don t know Thomas is a black nationalist In college he memorized the speeches of Malcolm X He believes white people are incurably racist In the first examination of its kind Corey Robin one of the foremost analysts of the right The Reactionary Mind delves deeply into both Thomas s biography and his jurisprudence masterfully reading his Supreme Court opinions against the backdrop of his autobiographical and political writings and speeches The hidden source of Thomas s conservative views Robin shows is a profound skepticism that racism can be overcome Thomas is convinced that any government action on behalf of African Americans will be tainted by racism the most African Americans can hope for is that white people will get out of their way There s a reason Robin concludes why liberals often complain that Thomas doesn t speak but seldom pay attention when he does Were they to listen they d hear a racial pessimism that often sounds similar to their own Cutting across the ideological spectrum this unacknowledged consensus about the impossibility of progress is key to understanding today s political stalemate

Say It Plain Catherine Ellis, Stephen Drury Smith, 2006-07-04 A moving portrait of how black Americans have spoken out against injustice with speeches by Thurgood Marshall Shirley Chisholm Jesse Jackson and more In full throated public oratory the kind that can stir the soul this unique anthology collects the transcribed speeches of the twentieth century s leading African American cultural literary and political figures many never before available in printed form Minneapolis Star Tribune From an 1895 speech by Booker T Washington to Julian Bond s sharp assessment of school segregation on the fiftieth anniversary of Brown v Board in 2004 the collection captures a

powerful tradition of oratory by political activists civil rights organizers celebrities and religious leaders going back more than a century Including the text of each speech with an introduction placing it in historical context Say It Plain is a remarkable record from the back to Africa movement to the civil rights era and the rise of black nationalism and beyond conveying a struggle for freedom and a challenge to America to live up to its democratic principles Includes speeches by Mary McLeod Bethune Julian Bond Stokely Carmichael Shirley Chisholm Louis Farrakhan Marcus Garvey Jesse Jackson Martin Luther King Jr Thurgood Marshall Booker T Washington Walter White

A Paleoconservative Anthology Paul Gottfried,2023-02-15 This anthology provides detailed examinations of the major themes and perspectives of the paleoconservatives as political thinkers and activists A long forgotten and persistently disregarded group within the American Right but their ideas show a remarkable staying power Paleoconservatives as this anthology undertakes to show have been among the most original and insightful representatives of the Right over the last thirty years but because of internal quarrels and their conspicuous defiance of the conservative establishment they have become isolated voices Almost everything about the paleoconservatives should be of interest to historians of political movements including the process by which they became a marginalized force on the intellectual right and their periodic attempts to build bridges across the political spectrum

A Court Divided Mark V. Tushnet,2005 In this authoritative reckoning with the eighteen year record of the Rehnquist Court Georgetown law professor Mark Tushnet reveals how the decisions of nine deeply divided justices have left the future of the Court and the nation hanging in the balance Many have assumed that the chasm on the Court has been between its liberals and its conservatives In reality the division was between those in tune with the modern post Reagan Republican Party and those who though considered to be in the Court s center represent an older Republican tradition As a result the Court has modestly promoted the agenda of today s economic conservatives but has regularly defeated the agenda of social issues conservatives while paving the way for more radically conservative path in the future

The ^ASupreme Court of the United States John J. Patrick,2006-08-03 This completely revised and updated third edition to the Young Oxford Companion to the Supreme Court of the United States 1994 and The Supreme Court of the United States second edition 2001 contains a complete A to Z encyclopedia of the Supreme Court its history and current operations

Beyond Origins Angélica Maria Bernal,2017-06-30 Beyond Origins challenges the common view of foundings as singular extraordinary moments of political origin and creation Engaging with cases of founding across political traditions from classical Greece to contemporary Latin America the book argues that it is only through pragmatist understandings of democratic origins that we can realize the potential for radical democratic change

Beyond Origins Angélica Maria Bernal,Angélica Reyna Bernal,2017 Beyond Origins challenges the common view of foundings as singular extraordinary moments of political origin and creation Engaging with cases of founding across political traditions from classical Greece to contemporary Latin America the book argues that it is only through pragmatist understandings of democratic origins that we can realize the potential for

radical democratic change Encyclopedia of African-American Politics, Third Edition Robert Smith, 2021-05-01 This A to Z volume examines the role of African Americans in the political process from the early days of the American Revolution to the present Focusing on basic political ideas court cases laws concepts ideologies institutions and political processes this book covers all facets of African Americans in American government Written by a nationally renowned scholar in the field the Encyclopedia of African American Politics Third Edition will enlighten readers to the struggles and triumphs of African Americans in the American political system Entries include Abolitionist Movement African immigrants Barack Obama Black Lives Matter Black Panther Party Civil Rights Act of 1964 Emancipation Proclamation Forty Acres and a Mule Freedmen s Bureau Hurricane Katrina Institutional racism Integrationism Juneteenth Lynching Malcolm X Million Man March Raphael Warnock **Encyclopedia of American Civil Liberties** Paul Finkelman, 2021-02-25 Originally published in 2006 the Encyclopedia of American Civil Liberties is a comprehensive 3 volume set covering a broad range of topics in the subject of American Civil Liberties The book covers the topic from numerous different areas including freedom of speech press religion assembly and petition The Encyclopedia also addresses areas such as the Constitution the Bill of Rights slavery censorship crime and war The book s multidisciplinary approach will make it an ideal library reference resource for lawyers scholars and students **The Rehnquist Court and Criminal Justice** Christopher E. Smith, Christina DeJong, Michael McCall, 2011-11-16 This book examines the criminal justice decisions of the Rehnquist Court era through analyses of individual justices contributions to the development of law and policy The Rehnquist Court era 1986 2005 produced a period of opportunity for the U S Supreme Court s judicial conservatives to reshape constitutional law concerning rights in the criminal justice process It was an era in which the Court produced many hotly debated decisions concerning such issues as capital punishment search and seizure police interrogations and prisoners rights The Court s most conservative justice William H Rehnquist ascended to the key leadership position of Chief Justice and he was joined on the Court by two new appointees Antonin Scalia and Clarence Thomas who were equally supportive of both greater authority for police and limited definitions of constitutional rights for suspects defendants and criminal offenders The Rehnquist Court era decisions refined and narrowed many of the rights expanding decisions of the Warren Court era 1953 1969 However the Supreme Court did not ultimately eliminate the Warren era s foundational rights concepts in criminal justice such as the exclusionary rule and Miranda warnings As the leading liberal voices of the Warren era William Brennan and Thurgood Marshall retired early in the Rehnquist era the Court experienced continued advocacy of broad conceptions for many rights through the increased assertiveness of Republican appointees Harry Blackmun John Paul Stevens and David Souter as well as the arrival of new Democratic appointees Ruth Bader Ginsburg and Stephen Breyer In many important cases the justices advocating the preservation of constitutional protections could prevail even on a generally conservative Court by persuading one or more of President Ronald Reagan s appointees to support a particular right for suspects and defendants Sandra Day O Connor and

Anthony Kennedy in particular shaped outcomes within a divided Court as they determined which of the Court's wings with which they would align in a particular case. The contributors to this volume identify and highlight the unique perspectives and influential decisions of individual justices as the means for understanding the Rehnquist Court's imprint on criminal justice.

Scalia Bruce Allen Murphy, 2015-06-30 A deeply researched portrait of the controversial Supreme Court justice covers his career achievements his appointment in 1986 and his resolve to support agendas from an ethical rather than political perspective.

Fundamentalism in American Religion and Law David A. J. Richards, 2010-03-15 Why from Reagan to George Bush have fundamentalists in religion and in law originalists exercised such political power and influence in the United States? Why has the Republican Party forged an ideology of judicial appointments originalism hostile to abortion and gay rights? Why and how did Barack Obama distinguish himself among Democratic candidates not only by his opposition to the Iraq war but by his opposition to originalism? This book argues that fundamentalism in both religion and law threatens democratic values and draws its appeal from a patriarchal psychology still alive in our personal and political lives and at threat from the constitutional developments since the 1960s. The argument analyzes this psychology based on traumatic loss in intimate life and resistance to it based on the love of equals. Obama's resistance to originalism arises from his developmental history as a democratic as opposed to patriarchal man who resists the patriarchal demands on men and women that originalism enforces in particular the patriarchal love laws that tell people who and how and how much they may love.

Encyclopedia of the Supreme Court, Second Edition David Schultz, 2021-09-01 Praise for the previous edition: concise, well-written entries. Schultz's accessible work will be of use to both undergraduates and the general public. Recommended for all academic and public libraries. Library Journal achieves the goal of presenting a serious overview of the Supreme Court Booklist. At its reasonable price, this title should be found in every American library, public as well as academic. It should also be purchased by every high school library, no matter how small the school body may be. American Reference Books Annual. From the structure of the Supreme Court to its proceedings, this comprehensive encyclopedia presents the cornerstone of the American justice system. Featuring more than 600 A to Z entries written by leading academics and lawyers, Encyclopedia of the Supreme Court, Second Edition offers a thorough review of critical cases, issues, biographies, and topics important to understanding the Supreme Court. Entries include Abortion, Capital punishment, Citizens United v. Federal Election Commission, Double jeopardy, employment discrimination, Federalism, Masterpiece Cakeshop v. Colorado Civil Rights Commission, Obergefell v. Hodges, police use of force, public health, and the U.S. Constitution, Thurgood Marshall, Title IX, and schools, United States v. Nixon, Earl Warren, Wiretapping.

Encyclopedia of African American Politics Robert C. Smith, 2003 An A to Z presentation of over 400 articles on African American politics and notable people from the abolitionist movement to Whitney Young.

A Distinct Judicial Power Scott Douglas Gerber, 2011-05-05 This title provides a comprehensive critical analysis of the origins of judicial independence in the United States. The book examines the political theory of an independent

judiciary and chronicles how each of the original 13 states and their colonial antecedents treated their respective judiciaries

Supreme Disorder Ilya Shapiro, 2020-09-22 NAMED ONE OF THE BEST BOOKS OF 2021 POLITICS BY THE WALL STREET JOURNAL A must read for anyone interested in the Supreme Court MIKE LEE Republican senator from Utah Politics have always intruded on Supreme Court appointments But although the Framers would recognize the way justices are nominated and confirmed today something is different Why have appointments to the high court become one of the most explosive features of our system of government As Ilya Shapiro makes clear in Supreme Disorder this problem is part of a larger phenomenon As government has grown its laws reaching even further into our lives the courts that interpret those laws have become enormously powerful If we fight over each new appointment as though everything were at stake it is because it is When decades of constitutional corruption have left us subject to an all powerful tribunal passions are sure to flare on the infrequent occasions when the political system has an opportunity to shape it And so we find the process of judicial appointments verging on dysfunction Shapiro weighs the many proposals for reform from the modest term limits to the radical court packing but shows that there can be no quick fix for a judicial system suffering a crisis of legitimacy And in the end the only measure of the Court's legitimacy that matters is the extent to which it maintains or rebalances our constitutional order

Morality Imposed Stephen E. Gottlieb, 2000-09 We like to think of judges and justices as making decisions based on the facts and the law But to what extent do jurists decide cases in accordance with their own preexisting philosophy of law and what specific ideological assumptions account for their decisions Stephen E Gottlieb adopts a unique perspective on the decision making of Supreme Court justices blending and re characterizing traditional accounts of political philosophy in a way that plausibly explains many of the justices voting patterns A seminal study of the Rehnquist Court Morality Imposed illustrates how in contrast to previous courts which took their mandate to be a move toward a freer and or happier society the current court evidences little concern for this goal focusing instead on thinly veiled moral judgments Delineating a fault line between liberal and conservative justices on the Rehnquist Court Gottlieb suggests that conservative justices have rejected the basic principles that informed post New Deal individual rights jurisprudence and have substituted their own conceptions of moral character for these fundamental principles Morality Imposed adds substantially to our understanding of the Supreme Court its most recent cases and the evolution of judicial philosophy in the U S

Understanding Clarence Thomas Ralph A. Rossum, 2014-02-10 Though Clarence Thomas has been a Supreme Court Justice for nearly 25 years and has written close to five hundred opinions legal scholars and pundits have given him short shrift often in fact dismissing him as a narrow partisan a silent presence on the bench an enemy of his race a tool of Antonin Scalia And yet as this book makes clear few justices of the Supreme Court have developed as clear and consistent a constitutional jurisprudence as Thomas Also little known but apparent in Ralph A Rossum's detailed assessment of the justice's jurisprudence is how profound Thomas's impact has been in certain areas of constitutional law not only on the bench but

also even among some of his erstwhile disparaging critics During his years on the Court Thomas has pursued an original general meaning approach to constitutional interpretation he has been unswayed by claims of precedent by the gradual build up of interpretations that to his mind come to distort the original meaning of the constitutional provision in question leading to muddled decisions and contradictory conclusions In a close reading of Thomas's hundreds of well crafted extensively researched and passionately argued majority concurring and dissenting opinions Rossum explores how the justice applies this original meaning approach to questions of constitutional structure as they relate to federalism substantive rights found in the First Amendment's religion and free speech and press clauses the Second Amendment's right to keep and bear arms the Fifth Amendment's restrictions on the taking of private property and the Fourteenth Amendment regarding abortion rights and various criminal procedural provisions found in the Ex Post Facto Clauses and the Bill of Rights Thomas grounds his original general meaning approach in the Declaration of Independence and its self evident truth that all men are created equal that truth he insists precedes and underlies the Constitution Understanding Clarence Thomas traces the many consequences that for Thomas flow from the centrality of that self evident truth and how these shape his opinions in cases concerning desegregation racial preference and voting rights The most thorough explication ever given of the jurisprudence of this prolific but little understood justice this work offers a unique opportunity to grasp not just the meaning of Clarence Thomas's opinions but their significance for the Supreme Court and constitutional interpretation in our day

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