

The Least Dangerous Branch?

*Consequences of
Judicial Activism*

Stephen P. Powers
and Stanley Rothman

Least Dangerous Branch Consequences Of Judicial Activism

Stefanie Lindquist, Frank Cross



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The Least Dangerous Branch? Stephen P. Powers, Stanley Rothman, 2002-11-30 Is the American judiciary still the least dangerous branch as Alexander Hamilton and legal scholar Alexander Bickel characterized it Unlike legislatures or administrative agencies courts do not make policy so much as direct and redirect policy as it is implemented The judicial contribution to policymaking involves the infusion of constitutional rights into the realm of public policy and as the government has grown the courts have become more powerful from doing more and more of this Powers and Rothman explore the impact of the federal courts providing a brief account of the development of constitutional law and an overview of the judiciary's impact in six controversial areas of public policy Busing Affirmative action Prison reform Mental health reform Procedural reforms in law enforcement Electoral redistricting In each of these areas the authors review significant cases that bear on the particular policy exploring the social science evidence to assess the impact of the courts on policies and the consequences of that intervention Powers and Rothman conclude that judicial intervention in public policy has often brought about undesirable consequences sometimes even for the intended beneficiaries of government intervention

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Measuring Judicial Activism Stefanie Lindquist, Frank Cross, 2009-04-23 Measuring Judicial Activism supplies empirical analysis to the widely discussed concept of judicial activism at the United States Supreme Court The book seeks to move beyond more subjective debates by conceptualizing activism in non ideological terms

Encyclopedia of American Civil Rights and Liberties Kara E. Stooksbury, John M. Scheb II, Otis H. Stephens Jr., 2017-09-21 Thoroughly updated and featuring 75 new entries this monumental four volume work illuminates past and present events associated with civil rights and civil liberties in the United States This revised and expanded four volume encyclopedia is unequalled for both the depth and breadth of its coverage Some 650 entries address the full range of civil rights and liberties in America from the Colonial Era to the present In addition to many updates of material from the first edition the work offers 75 new entries about recent issues and events among them dozens of topics that are the subject of close scrutiny and heated debate in America today There is coverage of controversial issues such as voter ID laws the use of drones transgender issues immigration human rights and government surveillance There is also expanded coverage of women's rights gay rights gay marriage and Native American rights Entries are enhanced by 42 primary documents that have shaped modern understanding of the extent and limitations of civil liberties in the United States including landmark statutes speeches essays court decisions and founding documents of influential civil rights organizations Designed as an up to date reference for students scholars and others interested in the expansive array of topics covered the work will broaden readers understanding of and appreciation for the people and events that secured civil

rights guarantees and concepts in this country At the same time it will help readers better grasp the reasoning behind and ramifications of 21st century developments like changing applications of Miranda Rights and government access to private Internet data Maintaining an impartial stance throughout the entries objectively explain the varied perspectives on these hot button issues allowing readers to draw their own conclusions Constitutional Politics in a Conservative Era Austin Sarat,2008-05-05 Aims to bring together the work of leading scholars of Constitutionalism Constitutional law and politics in the United States to take stock of the field to chart its progress and point the way for its future development **The U.S. Justice System** Steven Harmon Wilson,2011-12-06 A comprehensive three volume set that provides detailed background essays short topical entries and primary document excerpts to explain the organization history and functioning of the U S justice system The U S Justice System An Encyclopedia is a one stop resource uniquely structured to include both introductory information as well as more in depth and detailed resources It explains not only how the American civil and criminal justice system affects the parties to a particular case or other legal action but also how the rights benefits and legal protections of our country impact virtually all people in America The set comprises three volumes The first volume provides chapter length essays explaining the organization and functioning of federal state and local government as well as the working of federal and state judiciaries regulatory bodies and penal systems The second volume contains shorter alphabetically arranged entries on hundreds of law related topics including case descriptions and biographies of major figures federal and state court organizational charts legal statistics and other background information The third volume contains original documents statutes and texts of important cases relevant to the functioning of the American justice system Readers will understand the structures concepts and vocabulary of American law and legal institutions and grasp how the U S legal system has evolved to meet the complex changing needs of the nation Student's Guide to the Supreme Court Bruce J. Schulman,2010-05-03 An indispensable reference for students studying the Court Specifically written to engage high school students Student s Guide to the Supreme Court presents a comprehensive overview of the history traditions and people of the highest court in the land This one stop source does not require any prior knowledge of the Supreme Court and covers topics that meet national high school curriculum standards Part One consists of three informative essays The Supreme Court The Weakest or the Strongest Branch How Does the President Nominate a Supreme Court Justice Do They Matter How Supreme Court Decisions Affect Modern American Life Part Two is an alphabetical section of key words and legal concepts spanning abortion to writs of mandamus The members of the current Roberts Court including Sonia Sotomayor are profiled here as are all chief justices and notable associate justices Part Three complements the first two sections with a generous sampling of influential primary source documents including landmark decisions excerpts from justices papers political cartoons and constitutional provisions related to the Supreme Court Key Features Easy to read Aligns with high school curriculum Unique three part format The Politically Correct University Robert Maranto,Fredrick Hess,Richard

Redding,2009-10-16 The Politically Correct University shows how the universities quest for diversity has produced in too many departments a stifling uniformity of thought Required reading for those who want American universities to eschew political correctness Michael Barone resident fellow American Enterprise Institute **Law and Society** Steven E.

Barkan,2015-12-08 Law and Society is written to be highly accessible to the average undergraduate student This multidisciplinary text draws on the work of anthropologists historians law professors political scientists psychologists and sociologists to clearly outline how law is an essential social institution that shapes society while also being shaped by it

The Still Divided Academy Stanley Rothman, April Kelly-Woessner, Matthew Woessner, 2010-12-16 The Still Divided Academy is a wonderful examination of the academic community that shows their inner workings by addressing a broad range of issues including academic politics tenure perceived and real political imbalance academic freedom and diversity Administrators professors and students have very different priorities values and expectations and therefore often have conflicting opinions on these issues Drawing on data collected in a specially commissioned public opinion survey as well as other recent research on higher education Rothman Kelly Woessner and Woessner create an incredibly readable presentation of both the similarities and differences between those running our universities and those attending them The authors manage to remain impressively neutral instead they give us a fuller perspective of the people on our college campuses **Good**

Government? Good Citizens? W.A. Bogart, 2007-10 Examining the altered roles of courts politics and markets over the last two decades this book explores the evolving concept of the citizen in Canada at the beginning of this century **Seven**

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effectively decided the presidential election of 2000 its decision illustrated a classic question in American politics what is the appropriate role for the Supreme Court The dilemma is between judicial activism the Court s willingness to make significant changes in public policy and judicial restraint the Court s willingness to confine the use and extent of its power While the Framers of the Constitution felt that the judiciary would be the least dangerous branch of government many have come to the

conclusion that courts govern America a notion at odds with democratic government Richard Pacelle traces the historical ebb and flow of the Court's role in the critical issues of American politics slavery free speech religion abortion and affirmative action Pacelle examines the arguments for judicial restraint including that unelected judges making policy runs against democratic principles and the arguments for judicial activism including the important role the court has played as a protector of minority rights Pacelle suggests that there needs to be a balance between judicial activism and restraint in light of the constraints on the institution and its power Stimulating and sure to generate discussion *The Supreme Court in American Politics* is a concise supplemental text for American Government and Judicial Politics course *Syracuse Journal of International Law and Commerce*, 2012 [Peculiar Institution](#) David Garland, 2010-09-30 For many Europeans the persistence of America's death penalty is a stark reminder of American otherness The practice of state killing is an archaic relic a hollow symbol that accomplishes nothing but reflects a puritanical punitive culture bloodthirsty in its pursuit of retribution In debating capital punishment the usual rhetoric points to America's deviance from the western norm civilized abolition and barbaric retention us and them This remarkable new study by a leading social thinker sweeps aside the familiar story and offers a compelling interpretation of the culture of American punishment It shows that the same forces that led to the death penalty's abolition in Europe once made America a pioneer of reform That democracy and civilization are not the enemies of capital punishment though liberalism and humanitarianism are Making sense of today's differences requires a better understanding of American society and its punishments than the standard rhetoric allows Taking us deep inside the world of capital punishment the book offers a detailed picture of a peculiar institution its cultural meaning and symbolic force for supporters and abolitionists its place in the landscape of American politics and attitudes to crime its constitutional status and the legal struggles that define it Understanding the death penalty requires that we understand how American society is put together the legacy of racial violence the structures of social power and the commitment to radical local majority rule Shattering current stereotypes the book forces us to rethink our understanding of the politics of death and of punishment in America and beyond **Congress Confronts the Court** Colton C. Campbell, John F. Stack Jr., 2002-05-09 The Supreme Court is frequently portrayed as an isolated entity void of politics that reaches judgments by some unseen and unknowable logic At the same time Congress is cast as a singularly political enterprise with little regard for nuanced lawmaking This volume of original essays by leading scholars shows both branches in a new light It explores the impact of sustained partisan politics the recent reassertion of legislative power at the expense of judicial review and the sometimes stormy relationship between Congress and the Court **Schools for Misrule** Walter Olson, 2011-03-01 From Barack Obama Harvard and Chicago to Bill and Hillary Clinton Yale many of our current national leaders emerged from the rarefied air of the nation's top law schools The ideas taught there in one generation often shape national policy in the next The trouble is Walter Olson reveals in *Schools for Misrule* our elite law schools keep churning out ideas that are catastrophically bad for America From

class action lawsuits that promote the right to sue anyone over anything to court orders mandating the mass release of prison inmates from the movement for slavery reparations to court takeovers of school funding all of these appalling ideas were hatched in legal academia And the worst is yet to come A fast rising movement in law schools demands that sovereignty over U S legal disputes be handed over to international law and transnational courts It is not by coincidence Olson argues that these bad ideas all tend to confer more power on the law schools own graduates In the overlawyered society that results they are the ones who become the real rulers

Nomination of Robert H. Bork to be Associate Justice of the Supreme Court of the United States United States. Congress. Senate. Committee on the Judiciary,1989

The Use of Foreign Precedents by Constitutional Judges Tania Groppi,Marie-Claire Ponthoreau,2013-03-28 In 2007 the International Association of Constitutional Law established an Interest Group on The Use of Foreign Precedents by Constitutional Judges to conduct a survey of the use of foreign precedents by Supreme and Constitutional Courts in deciding constitutional cases Its purpose was to determine through empirical analysis employing both quantitative and qualitative indicators the extent to which foreign case law is cited The survey aimed to test the reliability of studies describing and reporting instances of transjudicial communication between Courts The research also provides useful insights into the extent to which a progressive constitutional convergence may be taking place between common law and civil law traditions The present work includes studies by scholars from African American Asian European Latin American and Oceania countries representing jurisdictions belonging to both common law and civil law traditions and countries employing both centralised and decentralised systems of judicial review The results published here for the first time give us the best evidence yet of the existence and limits of a transnational constitutional communication between courts

Economic Liberties and the Judiciary James A. Dorn, Henry G. Manne,1988-09-12 Essays in this volume refocus attention on Constitutional protection for economic liberties Divided into three parts the book deals with the following topics Interpreting the Constitution Theory and Practice Property Rights Activism and the Judicial Process and Recent Economic Issues in the Courts

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