

NATIONAL CONSTITUTION CENTER

THE CONSERVATIVE CONSTITUTION

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COLLEEN A. SHEEHAN, AND ILAN WURMAN

Conservative Constitution

Phanor James Eder



Conservative Constitution:

Conservatives and the Constitution Ken I. Kersch, 2019-03-28 Since the 1980s a ritualized opposition in legal thought between a conservative originalism and a liberal living constitutionalism has obscured the aggressively contested tradition committed to and mobilization of arguments for constitutional restoration and redemption within the broader postwar American conservative movement Conservatives and the Constitution is the first history of the political and intellectual trajectory of this foundational tradition and mobilization By looking at the deep stories told either by identity groups or about what conservatives took to be flashpoint topics in the postwar period Ken I Kersch seeks to capture the developmental and integrative nature of postwar constitutional conservatism challenging conservatives and liberals alike to more clearly see and understand both themselves and their presumed political and constitutional opposition Conservatives and the Constitution makes a unique contribution to our understanding of modern American conservatism and to the constitutional thought that has in critical ways informed and defined it Rights and Duties Russell Kirk, 1997 Rev and expanded ed of The conservative constitution c1990 **The Conservative Constitution** Russell Kirk, 1990 **The Conservative Assault on the Constitution** Erwin Chemerinsky, 2010-09-28 Over the last few decades the Supreme Court and the federal appellate courts have undergone a dramatic shift to the right the result of a determined effort by right wing lawmakers and presidents to reinterpret the Constitution by reshaping the judiciary Conservative activist justices have narrowed the scope of the Constitution denying its protections to millions of Americans exactly as the lawmakers who appointed and confirmed these jurists intended Basic long standing principles of constitutional law have been overturned by the Rehnquist and Roberts courts As distinguished law professor and constitutional expert Erwin Chemerinsky demonstrates in this invaluable book these changes affect the lives of every American As a result of political pressure from conservatives and a series of Supreme Court decisions our public schools are increasingly separate and unequal to the great disadvantage of poor and minority students Right wing politicians and justices are dismantling the wall separating church and state allowing ever greater government support for religion With the blessing of the Supreme Court absurdly harsh sentences are being handed down to criminal defendants such as life sentences for shoplifting and other petty offenses Even in death penalty cases defendants are being denied the right to competent counsel at trial and as a result innocent people have been convicted and sentenced to death Right wing politicians complain that government is too big and intrusive while at the same time they are only too happy to insert the government into the most intimate aspects of the private lives of citizens when doing so conforms to conservative morality Conservative activist judges say that the Constitution gives people an inherent right to own firearms but not to make their own medical decisions In some states it is easier to buy an assault rifle than to obtain an abortion Nowhere has the conservative assault on the Constitution been more visible or more successful than in redefining the role of the president From Richard Nixon to George W Bush conservatives have sought to significantly increase presidential power

The result in recent years has been unprecedented abuses including indefinite detentions illegal surveillance and torture of innocent people Finally access to the courts is being restricted by new rulings that deny legal protections to ordinary Americans Fewer lawsuits alleging discrimination in employment are heard fewer people are able to sue corporations or governments for injuries they have suffered and even when these cases do go to trial new restrictions limit damages that plaintiffs can collect The first step in reclaiming the protections of the Constitution says Chemerinsky is to recognize that right wing justices are imposing their personal prejudices not making neutral decisions about the scope of the Constitution as they claim or following the original meaning of the Constitution Only then do we stand a chance of reclaiming our constitutional liberties from a rigid ideological campaign that has transformed our courts and our laws Only then can we return to a constitutional law that advances freedom and equality

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