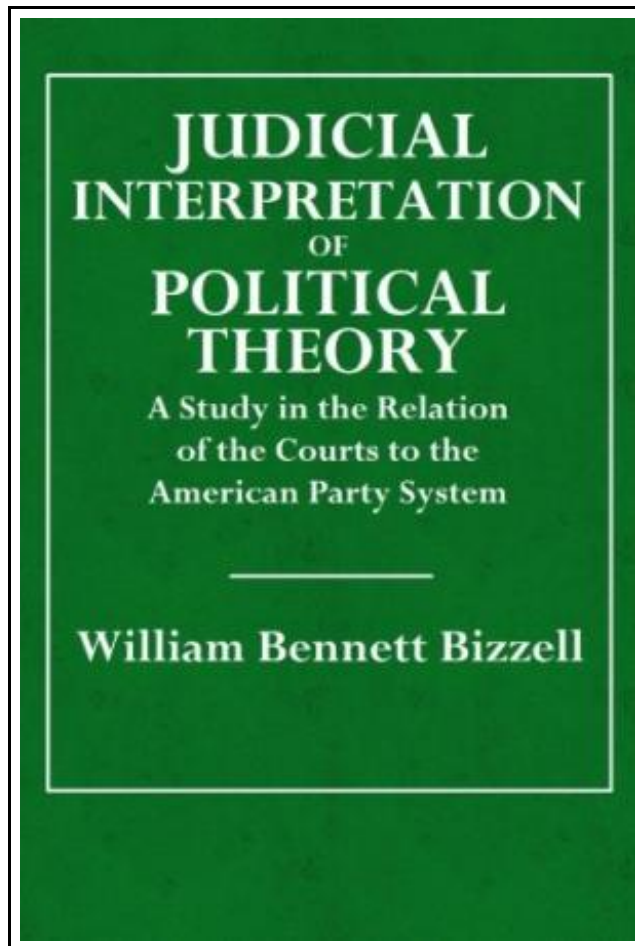


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THE JUDICIAL INTERPRETATION OF POLITICAL THEORY: A STUDY IN THE RELATION OF THE COURTS TO THE AMERICAN PARTY SYSTEM




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Createspace, United States, 2015. Paperback. Book Condition: New. 229 x 152 mm. Language: English . Brand New Book ***** Print on Demand *****.Party conviction has always been recognized as an essential qualification for the supreme bench in addition to legal learning and public service. In substantiation of this general observation, the author, in his introduction, points out that only ardent supporters of a strong federal system were elevated to the bench by Washington and Adams. Unanimity in the early opinions herein finds its explanation. The only apparent exception to the conclusion that party conviction was an essential qualification to a position on the supreme bench the author finds to be in the offer of the chief justiceship to Patrick Henry by President Washington in the fall of 1795-96, despite the fact that Henry had been the ablest and most influential opponent of constitutional ratification in Virginia. The volume reviews the partisan character of many leading cases, including such typical instances as *Hepburn v. Griswold*, a reversal by the supreme court for which political influence has been held responsible, and the decisions in the insular cases and the decisions growing out of the Inter-State Commerce Act which have carried loose construction to its ultimate limit. Criticisms of the supreme court have been made from the time of the earlier cases on the power of the courts to declare congressional acts unconstitutional, through the *Dred Scott* case, the prize cases, the legal tender cases, the income tax decisions, to the criticism of the Democratic platform of 1904 in which the Republican party is held responsible for forcing strained, unnatural constructions upon the statutes by virtue of its control of the judiciary. The respective chapters include intimate and thorough-going discussions of the judicial power over legislative enactments: theory of constitutional construction; nature of...

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