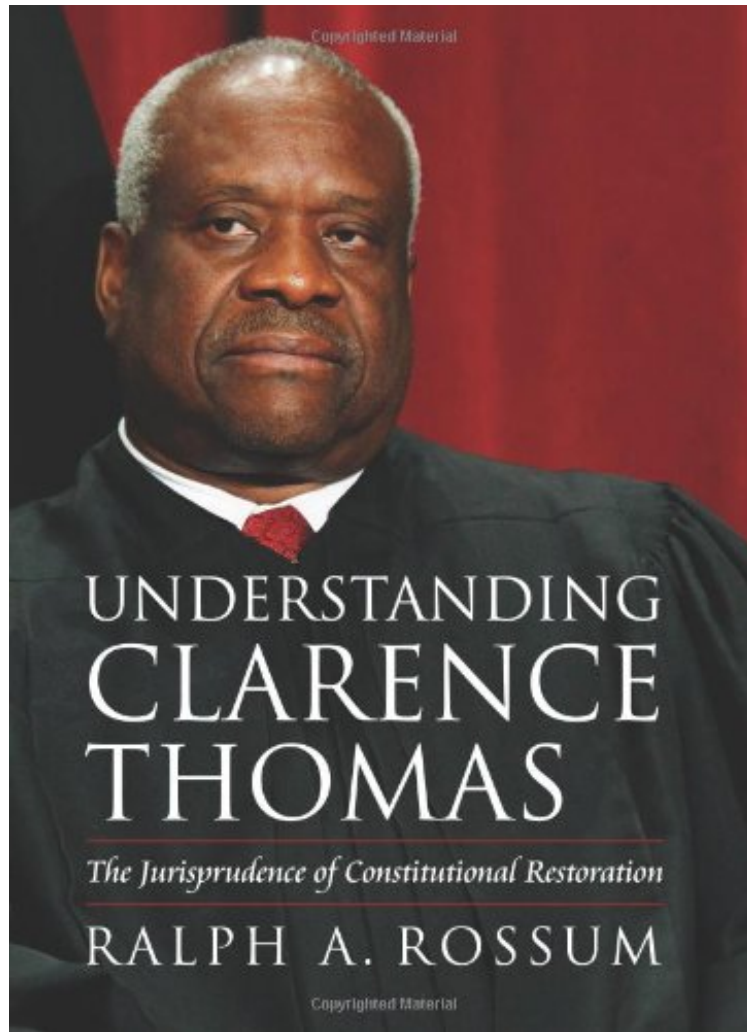


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Understanding Clarence Thomas: The Jurisprudence of Constitutional Restoration

Ralph A. Rossum

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Ralph A. Rossum : Understanding Clarence Thomas: The Jurisprudence of Constitutional Restoration before purchasing it in order to gauge whether or not it would be worth my time, and all praised Understanding Clarence Thomas: The Jurisprudence of Constitutional Restoration:

3 of 3 people found the following review helpful. I devote a great deal of space in my book Grumpy Old Party ...By Constantinos E. Scaros GRUMPY OLD PARTY: 20 Tips on How the Republicans Can Shed Their Anger, Reclaim Their Respectability, and Win Back the White House I devote a great deal of space in my book Grumpy Old Party explaining how perceptions often differ from reality. Nowhere is this more apparent than in Ralph Rossum's presentation of Supreme Court Justice Clarence Thomas. Why is it, Rossum asks, that the African-American Thomas

was chided for being fellow originalist Justice Antonin Scalia's "lap dog" by voting with him so consistently, whereas African-American Thurgood Marshall was not similarly criticized for being fellow activist Justice William Brennan's "lapdog"? Besides, Rossum continues, why is it that Thomas voted with Scalia, and not Scalia with Thomas? Finally, Rossum puts to an end the myth that Thomas is not a deep thinker, explaining the jurist's unique approach to Constitutional originalism. For anyone interested in the Supreme Court and in Constitutional Law, this book is essential to your collection. 16 of 19 people found the following review helpful. Outstanding Analysis of Justice Thomas By pop culture icon For many, Justice Clarence Thomas is an enigma. Anyone who views him that way will be well served by reading this well-written and thorough analysis of Justice Thomas's jurisprudence. Rossum has done a superb job of taking the reader through Justice Thomas's major opinions and other writings. While Justice Thomas is famous (or infamous in some cases) for his silence during oral argument, it is clear that no one on the current Court takes his job more seriously than does Thomas. Rossum reminds us and provides the evidence that Thomas is the clearest thinker and best draftsman of the 21st century Supreme Court. Rossum makes a compelling case that Justice Thomas may well leave the most enduring legacy of any of the current members of the Supreme Court. One other note: Much academic writing is dry and laborious to wade through. Rossum avoids these pitfalls. This book is not simply for academics or for academic libraries (although it should be in all of the libraries). Any reasonably well-read layman will gain much from reading this book. 3 of 3 people found the following review helpful. Nice overview of many different legal topics By RTM Exceptional book laying out Thomas's philosophy on a wide range of legal areas. If you follow the Court or the Justices, or just want to learn about Thomas's originalist understandings, definitely buy.

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, "prece[es] and underl[ies] 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.

"Rossum deftly navigates Thomass background and writings in way that even if not enough to change the minds of Thomass critics at least should improve public appreciation for Thomass work." Political Science Quarterly "Justice Thomass approach differs from that of Justice Scalia and the other forms of originalism being employed. This analysis may be the most important part of Rossums book, because with it he explains both Justice Thomass interpretive method and instances in which that method differs from that of Justice Scalia." The of Politics "[Rossum] does a marvelous job of capturing Thomass position and letting Thomas make his case for himself. Claremont of Books" Rossum performs an act of restoration, stripping away the layers of Justice Thomass public personal to show how the Justice's own writings provide a complete, nuanced picture of the man." Harvard Law Understanding Clarence Thomas is a book that could not be more timely. As Justice Thomas approaches his twenty-fifth year on the highest Court, he and his jurisprudence are increasingly central to any proper understanding of contemporary constitutional law and he could not have a better expositor than Ralph Rossum. Possessed of a formidable breadth of historical learning about American political and constitutional thought, and armed with a meticulous attention to the doctrinal details of the law, Rossum brings Thomas and his constitutionalism vividly to life. He shows clearly how Justice Thomas is in full agreement with the great chief justice John Marshalls admonition that the meaning of the Constitution is to be found in the original meaning of that fundamental text and not in what Marshall dismissed as the mere 8216; sympathies of the judge. In the end, Rossum makes clear that Justice Thomas is nothing less than a judicial

treasure and an unyielding friend of the Constitution. Gary L. McDowell, Tyler Hynes Interdisciplinary Chair of Leadership Studies, Political Science and Law at the University of Richmond

Rossums examination of the jurisprudence of Justice Thomas is thorough, well-documented, fair-minded, and admirably clear. Rossum sticks close to Justice Thomass judicial opinions and lectures, letting them speak largely for themselves. This is not to say that Rossum does not criticize inconsistencies and problems; he does but his major objective is to explain Thomass Original General Meaning approach to constitutional interpretation and to show how Thomas applies this approach in many areas of the law. Anyone who wants to understand Justice Thomass jurisprudence should read this book.

R. Shep Melnick, O'Neill Professor, Boston College

About the Author

Ralph A. Rossum is Salvatori Professor of American Constitutionalism at Claremont McKenna College. His many books include *The Supreme Court and Tribal Gaming: California v. Cabazon Band of Mission Indians* and *Antonin Scalia's Jurisprudence: Text and Tradition*, both published by Kansas.