

THE CONSERVATIVE ASSAULT ON THE CONSTITUTION

“Our Constitution depends on the courts to keep it alive; we all depend on Erwin Chemerinsky to remind us why that is so important. This book is essential reading for anyone who cares about preserving our constitutional birthright.”

-- **Susan N. Herman, President, American Civil Liberties Union**

“Erwin Chemerinsky knows the Constitution as a legal scholar and the Supreme Court as a lawyer who represents clients there. It’s a rare and powerful combination that makes him uniquely qualified to write this disturbing and persuasive book about the impact of the current Supreme Court’s approach to constitutional interpretation.”

-- **Linda Greenhouse, former *New York Times* Supreme Court correspondent;
Lecturer, Yale Law School;**

Over the past 40 years, conservative presidents and their supporters—beginning with Richard Nixon and continuing on through George W. Bush—have sought to change basic constitutional principles through their policies and their appointments to the Supreme Court. And they have succeeded, says Erwin Chemerinsky, founding dean of the University of California Irvine Law School. Justices such as William Rehnquist, Antonin Scalia, Clarence Thomas, John Roberts, and Samuel Alito are conservative activist judges who have lessened individual freedom and altered long-standing constitutional understandings. Although some of these justices claim to make their decisions based on the “original meaning” of the Constitution, while others say they are merely neutral “umpires” interpreting the law without prejudice, Chemerinsky shows that these justices are actually imposing their own set of values – exactly as they and their sponsors have accused liberal justices of doing.

In **THE CONSERVATIVE ASSAULT ON THE CONSTITUTION (October 2010, \$27.00)**, Chemerinsky explains how key decisions on important subjects such as church-state relations, school integration, access to the courts, and executive power during recent decades have been ideologically motivated and have denied justice to millions of American citizens.

The conservative ascendance began with resistance to desegregation and the Civil Rights reforms of the 1960s. When a landmark Supreme Court decision in 1973 ruled that education was not a constitutional right, states understood that they could close their schools rather than open them to children of all races. From that slippery slope came a landslide of wide-reaching effects that are still being felt today, most noticeably in the form of disproportional school funding in racially different

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districts. As racial division in public schools grows, the country faces a grave challenge in moving forward. As Chemerinsky writes, "Nowhere has the conservative assault on the Constitution...been more apparent or more important than in its re-creation of separate and unequal schools."

Chemerinsky explores the political, social, and personal implications of the Supreme Court's major cases over the past four decades. With eloquent clarity and the wisdom that comes from having argued and defended constitutional principles before federal appellate courts and the Supreme Court itself, Chemerinsky identifies the core elements in **THE CONSERVATIVE ASSAULT ON THE CONSTITUTION**.

Chemerinsky shows how Constitutional freedoms afforded to American citizens have been chipped away. "Three strikes" laws have put criminals behind bars for life for shoplifting and the Supreme Court has upheld these draconian sentences. The conservatives on the current Supreme Court look favorably on laws that advance religion, repudiating the long-recognized wall separating church and state. The rights of criminal defendants are being narrowed, increasing the likelihood that innocent people will be convicted and even sentenced to death. The effects of the Supreme Court's decisions are felt in all walks of American life, from citizens' rights to privacy (an important right even *beyond* the contentious topic of abortion) to their ability to marry the person they love, and even the right to fair and reasonable treatment from the legal system. Conservative jurists have endorsed broad expansions of power in the office of the president, a dangerous breach of the checks and balances that have served this country for two centuries.

With so many pivotal Supreme Court cases decided by a 5-4 vote, ideological divisions on the Court are tremendously important. Americans should understand that political preferences and not some timeless judicial philosophy explain the Court's notable shift to the right. Most importantly, people should understand how their lives and the lives of their loved ones are affected by the Supreme Court's dramatic shift to the right.

THE CONSERVATIVE ASSAULT ON THE CONSTITUTION is one of the most important political books of the decade, clearly and concisely written by an expert legal scholar who cites dozens of cases to support his argument. It is published as the new Supreme Court term begins and a new justice joins the Court, reminding us once again how important the Court is to our lives.

ABOUT THE AUTHOR:

ERWIN CHEMERINSKY is the founding dean of the University of California, Irvine Law School. A graduate of Northwestern University and Harvard Law School, he has authored six previous books and more than 100 law-review articles. He has argued several cases before the Supreme Court and various circuits of the United States Court of Appeals.

ABOUT THE BOOK:

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