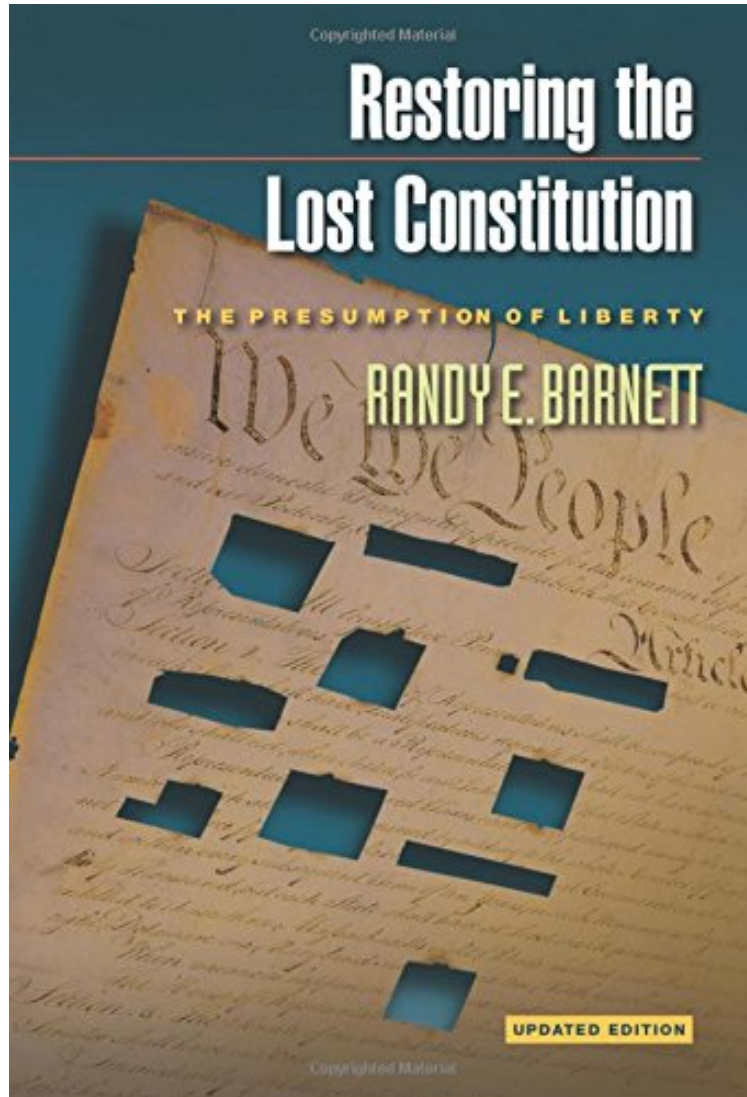


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# Restoring the Lost Constitution: The Presumption of Liberty

*Randy E. Barnett*

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#1427430 in Books Princeton University Press 2004-01-04 Original language: English PDF # 1 1.20 x 6.46 x 9.40l, #File Name: 0691115850384 pages | File size: 69.Mb

**Randy E. Barnett : Restoring the Lost Constitution: The Presumption of Liberty** before purchasing it in order to gage whether or not it would be worth my time, and all praised Restoring the Lost Constitution: The Presumption of Liberty:

1 of 1 people found the following review helpful. Faithful View of the Constitution By Randy in Birmingham Restoring the Lost Constitution is an excellent, scholarly work. It details how the Supreme Court has skewed the Constitution with intellectually shabby and result-oriented opinions, particularly since the New Deal era. According to the Court, much of the Constitution either doesn't say what it says, or doesn't mean what it says. Professor Barnett's book might be a difficult read in places for those who aren't already fairly familiar with the document's history and text. But it is

well worth the time of anyone who truly wants to understand the "originalist" approach to the Constitution. Even for readers who may not agree with all his arguments, Professor Barnett's book is an outstanding resource. 1 of 1 people found the following review helpful. Informative  
By Mark Sutter  
This book offers a pretty good analysis of how our Constitution has been bastardized since its inception but especially since the progressive era starting in the early 20th Century. You will see numerous examples of how the nation's legislators, judges, and the Supreme Court have interpreted the Constitution to fit their needs instead of adhering to the original meanings of the clauses and amendments. 1 of 1 people found the following review helpful. Lost Constitution  
By TriumphBill  
This book is a must read for anyone who is passionate about our freedoms and liberties as they were outlined in our constitution and how they are being infringed upon by our various levels of government.

The U.S. Constitution found in school textbooks and under glass in Washington is not the one enforced today by the Supreme Court. In *Restoring the Lost Constitution*, Randy Barnett argues that since the nation's founding, but especially since the 1930s, the courts have been cutting holes in the original Constitution and its amendments to eliminate the parts that protect liberty from the power of government. From the Commerce Clause, to the Necessary and Proper Clause, to the Ninth and Tenth Amendments, to the Privileges or Immunities Clause of the Fourteenth Amendment, the Supreme Court has rendered each of these provisions toothless. In the process, the written Constitution has been lost. Barnett establishes the original meaning of these lost clauses and offers a practical way to restore them to their central role in constraining government: adopting a "presumption of liberty" to give the benefit of the doubt to citizens when laws restrict their rightful exercises of liberty. He also provides a new, realistic and philosophically rigorous theory of constitutional legitimacy that justifies both interpreting the Constitution according to its original meaning and, where that meaning is vague or open-ended, construing it so as to better protect the rights retained by the people. As clearly argued as it is insightful and provocative, *Restoring the Lost Constitution* forcefully disputes the conventional wisdom, posing a powerful challenge to which others must now respond.

Winner of the 2005 Lysander Spooner Award for Advancing the Literature of Liberty, Laissez Faire Books "A hopeful work--provocative, documented, resolute, reasoned, readable--delightfully devoid of legalistic obtuseness. It lights up a road back to limited government, albeit a steep road."--William H. Peterson, *Washington Times* "This book is terrific in demonstrating the natural rights background to our Constitution and demonstrating that all rights cannot be listed in the Constitution. . . . [A]n excellent work."--Ronald Kahn, *Law and Politics Book From the Publisher* 2005 Lysander Spooner Award for Advancing the Literature of Liberty, Laissez Faire Books  
From the Inside Flap "Step by step, Randy Barnett constructs an intriguing case for a moderately libertarian natural-rights Constitution that allows government action only when, and because, doing so protects the generously defined liberties of each person. Along the way he sheds new light on old controversies. This book should provoke the kind of controversy that advances our understanding of the Constitution."--Mark Tushnet, author of *The New Constitutional Order* "Randy Barnett makes two important arguments, one involving the interpretation of the Constitution by reference to original understandings, the other endorsing a libertarian tilt in resolving disputes about governmental powers. Constitutional scholars and students will find much to admire in Barnett's carefully nuanced arguments, whether or not they ultimately agree with his conclusions. But the book should attract general readers as well. It is remarkably well written, totally devoid of jargon, and presented in a conversational and courteous tone. A truly excellent book!"--Sanford Levinson, author of *Constitutional Faith* "Randy Barnett's *Restoring the Lost Constitution* is a surprising book. It is surprising that a scholar as learned and competent as Barnett should undertake the defense of libertarianism--a perspective on the state and on law unfashionable among the intelligentsia for a century. It is surprising that he should defend it so well and reasonably. It is even more surprising that such a strong and comprehensive case can be made that this libertarian perspective not only was that of those who wrote and (more importantly) ratified the Constitution, but also that it is the lawful and proper way to interpret the Constitution today. This is an important and challenging book for anyone interested in American law and government."--Charles Fried, Beneficial Professor of Law, Harvard Law School, author of *Saying What the Law Is: The Constitution in the Supreme Court* "Provocative in the best sense, this is a very readable book whose argument is clear and accessible even to those unversed in the details of constitutional law or theory. It is particularly suggestive and effective in connecting two disparate strands of conservative political and constitutional theory: traditional conservative respect for original constitutional meaning and libertarian commitment to individual rights."--Keith Whittington, author of *Constitutional Interpretation: Textual Meaning, Original Intent, and Judicial* "This is an important book, one that everybody in the field will (or should) take account of. Randy Barnett puts forward a comprehensive, thoughtful, clear, concise, challenging, and historically plausible version of American Constitutionalism. He pulls together a tremendous amount of material, including some of the best recent revisionist scholarship on constitutional history, and sets this in a framework of great integrity and unity of vision."--Michael Zuckert, University of Notre Dame, author of *Launching Liberalism: On Lockean Political Philosophy*