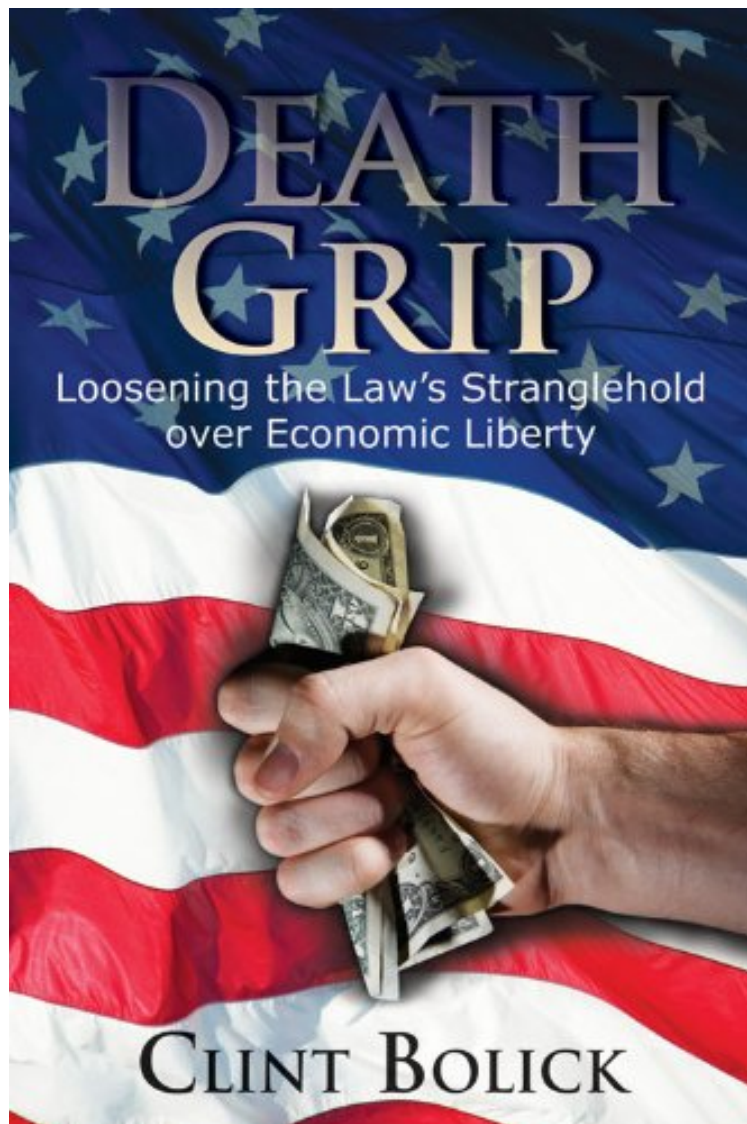


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## Death Grip: Loosening the Law's Stranglehold over Economic Liberty (Hoover Institution Press Publication)

*Clint Bolick*

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**Clint Bolick : Death Grip: Loosening the Law's Stranglehold over Economic Liberty (Hoover Institution Press Publication)** before purchasing it in order to gage whether or not it would be worth my time, and all praised Death Grip: Loosening the Law's Stranglehold over Economic Liberty (Hoover Institution Press Publication):

1 of 1 people found the following review helpful. How the freedom of enterprise was betrayedBy Henryk A. KowalczykThis book explains in details how the freedom of enterprise in America was betrayed by the Supreme Court

in the Slaughter-House case 140 years ago, and how this decision has its far reaching consequences until today on local government regulations limiting freedom of enterprise. Every aspiring politician should read it. As well as every citizen, wanting to understand thoroughly our political system. 4 of 5 people found the following review helpful. Amazing! By Arizona Buckeye Fan If you want to understand why economic liberty had taken a dive in the United States, read this book. I am a law student and find it very informative, but you don't need a legal background at all to understand this book or the problem. 1 of 6 people found the following review helpful. No such thing as "economic liberty" in the Constitution. By Etauoin Shrdlu Mr. Bolick is a skilled propagandist, but his argument is false (or, to be more precise, a half-truth). I agree that the Slaughter-House cases was one of the worst decisions in our history (second only to Plessy v. Ferguson). But his claim that it has something to do with "economic liberty" is FALSE. First, a little history. What Bolick, and other (so-called) conservatives really want is a return to the days of the "Lochner" doctrine. This was the idea, most infamously applied in the case of Lochner v. New York that the "liberty" protected by the Due Process Clause (of both the Fifth and Fourteenth Amendments) did not simply refer to physical liberty (i.e.: imprisonment), or to the "liberties" specified in the Bill of Rights, but included something called "liberty of contract". Under this rubric, the courts assumed the power to weigh the wisdom of legislation, imposing their view of what was the best public policy instead of deferring to the legislative branch of government. The point? If Slaughter-House (1873) prevents the courts from enforcing "economic liberty", how could the Lochner decision be rendered (in 1905)? Thus a fundamental premise of Bolick's book is false. Second, the "Lochner" doctrine represents the epitome of "judicial activism", something conservatives claim to oppose. Indeed, the whole movement for "judicial restraint" arose in opposition to that doctrine. The essence of true judicial restraint is that the courts are not supposed to impose their opinion of what is best for the nation in the guise of interpreting or applying the Constitution. Whether legislation is a good or bad idea is entirely a matter for the legislature to decide. Courts applying "Lochner", in the name of "economic liberty" violated that principle constantly. They were the true "judicial activists". Third, it is hysterically funny to hear conservatives, who normally cry "it's not in the Constitution" when discussing principles like "separation of church and state" (which CAN be found "in the Constitution" in places such as the "no religious test clause", the First Amendment, and in the complete absence of any mention of a god or a religion in its legal provisions) suddenly turn around and claim the Constitution protects some amorphous concept of "economic liberty", when in fact it says NOTHING on that subject. The closest the Constitution comes is in the Fifth Amendment. Its Due Process Clause forbids depriving someone of their property "without due process of law". But, of course, that's not an absolute prohibition. If due process is provided (through jury trials, for example) ALL your property can be taken away. The other Fifth Amendment "economic" limitation is on the power of Eminent Domain: the government's power to take your property for a public use (such as building a highway). But, again, that is not an absolute prohibition. The Takings Clause (as it is known) allows the government to take your property, but you must be paid "just compensation". The Constitution did not enact Herbert Spencer's "Social Statics" (the "bible" of the Social Darwinism movement). Neither did it enact John Stuart Mill's "On Liberty", or Ayn Rand's "Atlas Shrugged". It knows no economic system, either Capitalist or Socialist. It is concerned with POLITICAL rights, not economic ones. Mr. Bolick's claims are false.

Clint Bolick examines the assault on economic liberty brought about by the 19th century's Slaughter-House Cases. He explains how those cases nullified the privileges or immunities clause of the 14th Amendment and how the repercussions continue to manifest themselves today. Bolick offers hope for the future, however, in describing the current campaign to restore economic liberty as a fundamental civil right.