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Edited by NEAL DEVINS
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A Year At The Supreme Court Constitutional Conflicts

Jared A. Goldstein



A Year At The Supreme Court Constitutional Conflicts:

A Year in the Life of the Supreme Court Aaron Epstein, Kay Kindred, Tony Mauro, David Savage, Stephen Wermiel, 1995-07-28 Despite its importance to the life of the nation and all its citizens the Supreme Court remains a mystery to most Americans its workings widely felt but rarely seen firsthand In this book journalists who cover the Court acting as the eyes and ears of not just the American people but the Constitution itself give us a rare close look into its proceedings the people behind them and the complex often fascinating ways in which justice is ultimately served Their narratives form an intimate account of a year in the life of the Supreme Court The cases heard by the Supreme Court are first and foremost disputes involving real people with actual stories The accidents and twists of circumstance that have brought these people to the last resort of litigation can make for compelling drama The contributors to this volume bring these dramatic stories to life using them as a backdrop for the larger issues of law and social policy that constitute the Court's business abortion separation of church and state freedom of speech the right of privacy crime violence discrimination and the death penalty In the course of these narratives the authors describe the personalities and jurisprudential leanings of the various Justices explaining how the interplay of these characters and theories about the Constitution interact to influence the Court's decisions Highly readable and richly informative this book offers an unusually clear and comprehensive portrait of one of the most influential institutions in modern American life

The Jurisprudence of Constitutional Conflict in the European Union Ana Bobić, 2022 A comparative and comprehensive account of the jurisprudence of constitutional conflict between the Court of Justice and national courts with the power of constitutional review This monograph addresses the incidences of and reasons for constitutional clashes in the application and enforcement of EU law It aims to determine how the principle of primacy of EU law works in reality and whether the jurisprudence of the courts under analysis supports this concept To this end the book explores the three areas of constitutional conflict ultra vires review identity review and fundamental rights review The book substantiates the descriptive and strengthens the normative contributions of the theory of constitutional pluralism in relation to the web of relations in the European judicial space By examining the influence that the jurisprudence of constitutional conflict has on the balance of powers between the Court of Justice and constitutional courts the volume develops the judicial triangle as an analytical tool that depicts the consequences for the horizontal constitutional courts vis vis the Court of Justice and vertical judicial relationships Court of Justice vis vis ordinary national courts constitutional courts vis vis ordinary national courts By offering a thorough compilation of the jurisprudence of constitutional conflict in the EU The Jurisprudence of Constitutional Conflict in the European Union improves our understanding of the principle of primacy of EU law and its limits as well as reinforces the theory of constitutional pluralism in explaining and guiding judicial power relations and interactions in the EU

A Citizen's Guide to the Constitution and the Supreme Court Morgan Marietta, 2013-08-15 The U S Constitution is a blueprint for a free society as well as a source of enduring conflict over how

that society must be governed The competing ways of reading our founding document shape the decisions of the Supreme Court which acts as the final voice on constitutional questions This breezy concise guide explains the central conflicts that frame our constitutional controversies written in clear non academic language to serve as a resource for engaged citizens both inside and outside of an academic setting After covering the main points of conflict in constitutional law Marietta gives readers an overview of the perspectives from the leading schools of constitutional interpretation textualism common law constitutionalism originalism and living constitutionalism He then walks through the points of conflict and competing schools of thought in the context of several landmark cases and ends with advice to readers on how to interpret constitutional issues ourselves

Constitutional Conflicts between Congress and the President Louis Fisher, 2014-08-19 Over three decades after its initial publication Louis Fisher's durable classic remains at the head of its class a book that Congressional Quarterly called as close to being indispensable as anything published in this field This newly revised sixth edition emphatically reinforces that sterling reputation Fisher dissects the crucial constitutional disputes between the executive and legislative branches of government from the Constitutional Convention through President Clinton's impeachment battles to the recent controversies over President Bush's conduct as commander in chief He ventures beyond traditional discussions of Supreme Court decisions to examine the day to day working relationships between the president and Congress By analyzing a mixture of judicial pronouncements executive acts and legislative debates Fisher pinpoints the critical areas of legislative executive tension appointment powers investigatory powers legislative and executive vetoes the budgetary process and war powers He then examines these areas of tension within a concrete political and historical context To scholars this book offers a comprehensive examination of the institutions and issues of public law For practitioners general readers and students of American government it demonstrates how constitutional issues shape and define current events The new edition covers for the first time Obama's military decisions in Afghanistan and Iraq Military operations against Libya in 2011 Threatened attacks on Syria in 2013 Efforts to close Guantanamo Obama's recess appointments during a pro forma session Fast and Furious scandal Holder's contempt and Obama's executive privilege The growth of presidential czars Executive branch secrecy and lack of accountability State Secrets Privilege after 9/11 Distinguishing between implied powers constitutional and inherent powers not constitutional Pocket vetoes and the growth of hybrid vetoes New developments in the President's removal power

World Constitution - A Comparative Study Vishnoo Bhagwan, Vidya Bhushan, This ninth revised edition of World Constitutions a monumental work by seasoned authors portrays the conceptual and legal framework of parliamentary democracies like the UK Japan Canada and Australia as well as of a presidential democracy like the USA Tony Blair's exit and making way for Gordon Brown as Prime Minister of UK the spectacular triumph of Barack Obama as President of US and his sincere efforts to usher in an era of all round peace and tranquility in hitherto strife torn world confronted with recession and morass of economic instability and insecurity have been covered while revising the book The

victory of Nicolas Sarkozy at the hustings in France has further given a flip to the concept of peace which has been on the last leg during the preceding regimes in some of the top democratic countries of the world The Communist China which was vying with erstwhile Soviet Union sometime back has been given a prominent place in the book portraying its considerably liberalised and substantially modernised socialistic infrastructure The Swiss Constitution the only direct democracy in the world which is a judicious combination of presidential and parliamentary forms of democracy has been analytically presented An incisive and comparative study of these constitutions will enable the reader to obtain an unbiased and dispassionate view of their working Where necessary eminent authorities on the subject have been quoted copiously The book has been updated by incorporating the latest amendments to the constitutions The Constitution of the Russian Federation has also been included while giving a synoptic reference to former Soviet Union which was once a super power to reckon with

American Conflicts Law, 5th edition Luther L. McDougal III, Robert Felix, Ralph Whitten, 2021-10-25 Presents an overview of the American conflicts law This book covers conflict of laws in criminal cases the substance procedure distinction and an examination of conflict of laws issues under all systems in particular substantive areas Included are chapters on contracts workers compensation tangible and intangible personality and more *The Constitution in Conflict* Robert A. Burt, 1992 In a remarkably innovative reconstruction of constitutional history Robert Burt traces the controversy over judicial supremacy back to the founding fathers Also drawing extensively on Lincoln's conception of political equality Burt argues convincingly that judicial supremacy and majority rule are both inconsistent with the egalitarian democratic ideal The first fully articulated presentation of the Constitution as a communally interpreted document in which the Supreme Court plays an important but not predominant role The Constitution in Conflict has dramatic implications for both the theory and the practice of constitutional law

Advancing Civil Justice Reform and Conflict Resolution in Africa and Asia: Comparative Analyses and Case Studies Yin, Elijah Tukwariba, Kofie, Nelson F., 2021-06-18 The civil justice system is characterized by a distinct dispute resolution and law enforcement functions although these functions are not always explicit and their relationship can be vague People normally turn to this legal system to address an unjust situation they encounter This makes civil justice both socially and economically important as it may be driven by efficiency or access to justice concerns The literature suggests that law reform has an uninspiring record in this field This is because it has largely not been considered with a detailed empirically informed evaluation of proposed solutions This legal system is complex and research in this field is correspondingly challenging interesting and important Advancing Civil Justice Reform and Conflict Resolution in Africa and Asia Comparative Analyses and Case Studies provides significant empirical research findings as well as theoretical reviews and frameworks on a wide array of issues within civil justice and the legal system This includes topic areas such as access to justice and legal representation the challenges to developing civil justice courts and procedures and civil justice reform This book is valuable for lawyers human rights lawyers court officials psychologists social workers

sociologists consultants professionals academicians students and researchers working in the field of law socio legal studies sociology anthropology political science social work social policy economics and criminal justice along with anyone seeking updated information on the current reforms and challenges within the civil justice and legal systems *Constitutional Law*
Mr. Rohit Manglik,2024-03-26 EduGorilla Publication is a trusted name in the education sector committed to empowering learners with high quality study materials and resources Specializing in competitive exams and academic support EduGorilla provides comprehensive and well structured content tailored to meet the needs of students across various streams and levels

Judicial Power and Strategic Communication in Mexico Jeffrey K. Staton,2010-03-22 Although they are not directly accountable to voters constitutional court judges communicate with the general public through the media In Judicial Power and Strategic Communication in Mexico Jeffrey K Staton argues that constitutional courts develop public relations strategies in order to increase the transparency of judicial behavior and promote judicial legitimacy Yet in some political contexts there can be a tension between transparency and legitimacy and for this reason courts cannot necessarily advance both conditions simultaneously The argument is tested via an analysis of the Mexican Supreme Court during Mexico s recent transition to democracy and also through a cross national analysis of public perceptions of judicial legitimacy The results demonstrate that judges can be active participants in the construction of their own power More broadly the study develops a positive political theory of institutions which highlights the connections between democratization and the rule of law **Real Americans** Jared A. Goldstein,2022-02-05 On January 6 2021 white supremacists Christian nationalists and other supporters of President Donald Trump stormed the US Capitol in an attempt to overturn the results of the 2020 presidential election The insurrection was widely denounced as an attack on the Constitution and the subsequent impeachment trial was framed as a defense of constitutional government What received little attention is that the January 6 insurrectionists themselves justified the violence they perpetrated as a defense of the Constitution after battling the Capitol police and breaking doors and windows the mob marched inside chanting Defend your liberty defend the Constitution In Real Americans National Identity Violence and the Constitution Jared A Goldstein boldly challenges the conventional wisdom that a shared devotion to the Constitution is the essence of what it means to be American In his careful analysis of US history Goldstein demonstrates the well established pattern of movements devoted to defending the power of dominant racial ethnic and religious groups that deploy the rhetoric of constitutional devotion to express their national visions and justify their violence Goldstein describes this as constitutional nationalism an ideology that defines being an American as standing with and by the Constitution This history includes the Ku Klux Klan s self declared mission to protect and defend the Constitution of the United States which served to justify its campaign of violence in the 1860s and 1870s to prevent Black people from exercising the right to vote Protestant Americans who felt threatened by the growing population of Catholics and Jews and organized mass movements to defend their status and power by declaring that the Constitution was made for a Protestant nation native born Americans

who resisted the rising population of immigrants and who mobilized to exclude the newcomers and their alien ideas corporate leaders arguing that regulation is unconstitutional and un American and Timothy McVeigh who believed he was defending the Constitution by killing 168 people with a truck bomb Real Americans National Identity Violence and the Constitution reveals how the Constitution as the central embodiment and common ground of American identity has long been used to promote conflicting versions of American identity and to justify hatred violence and exclusion **The Encyclopedia**

of Social Reform William Dwight Porter Bliss,1897 **Ambiguity in EU Law** Sofiya Kartalova,2022-10-07 Ambiguity an expression or utterance giving rise to at least two mutually exclusive interpretations has been traditionally regarded as an ever present and therefore trivial feature of EU law alongside other forms of linguistic indeterminacy At the same time ambiguity has been condemned as a perilous defect in the legal text since it is commonly assumed that the Court of Justice of the EU CJEU would necessarily exploit it to engage in judicial activism In contrast more recent theories present ambiguity as a means of promoting greater acceptability and coherence while trusting the CJEU s willingness to exert judicial restraint for the benefit of judicial co operation This ground breaking work challenges some of the theoretical assumptions about ambiguity in EU law and puts forward a more accurate and complete theory about the CJEU s strategic use of ambiguity Ambiguity is here transformed from an underestimated or misunderstood detail of undetermined significance to a desirable systemic feature of the EU legal order with concrete properties and impact Ambiguity as the implicit basis of the CJEU s decision making is shown to be strategically valuable for the implementation of the authority of EU law at some of the most pivotal moments in the evolution of the EU legal order This interdisciplinary investigation presents in depth linguistic and legal analysis of ambiguity found in the text of key provisions of EU Treaties and in the language of some of the CJEU s leading preliminary rulings in the area of fundamental rights freedom of movement and EU citizenship The book suggests a categorisation of examples basic guidance about the type of case and situation where the phenomenon is likely to emerge as well as an assessment of the advantages and disadvantages of this unusual judicial technique The book will be a valuable resource for researchers and academics working in the areas of Law and Language Public International Law EU Law and Multilingualism **Mounting Pressures on the Rule of Law** Jacqueline Behrend,Laurence Whitehead,2025-03-04 This important book offers an original perspective on the rule of law development and democracy in Latin America establishing a new approach in recognizing the realities of political economy as opposed to merely structural and institutional factors With contributions from an international team of experts the book outlines the main challenges that have arisen in the pursuit of a developmental agenda in the region including subnational variations state capture by local elites variations in state capacity border divergence from centrally designed perspectives environmental conflicts uneven access to justice and the role of international organizations In doing so the book explores the democratic and developmental implications of conflicts over the rule of law and its application uneven enforcement and state capture Whether a reference tool for the seasoned scholar a

guide aiding practitioner s individual expertise or an introduction to students interested in the complex intersections between the rule of law development and democracy this book is a must have for any library The Achilles Heel of Democracy
Rachel E. Bowen,2017-06-26 Machine generated contents note 1 Societally penetrated judiciaries and the democratic rule of law 2 The evolution of judicial regimes 3 Costa Rica a liberal judicial regime 4 Government control regimes in Central America versus the rule of law 5 Clandestine control in Guatemala 6 Partisan systems Conclusion *Proceedings and Debates of the Constitutional Convention of the State of New York* New York (State). Constitutional Convention,1868 **The American Conflict** Horace Greeley,1866 **In Re Gault** Susan Dudley Gold,2008 Discusses the case involving fifteen year old Gerald Gault and its impact on children s rights and due process of law for juveniles Supreme Court Workload United States. Congress. House. Committee on the Judiciary. Subcommittee on Courts, Civil Liberties, and the Administration of Justice,1984

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