

MODES OF CONSTITUTIONAL INTERPRETATION

- Analyze claim under each of the following:
 1. **Textual Analysis** - What is the meaning from the plain language itself
 2. **Historical Purpose** - What is the intended historical purpose of the provision
 - a. What did the drafters understand the provision to mean
 - b. What were the circumstances that elicited its ratification
 3. **Structural** - What would it mean in light of federalist principles?
 - a. Horizontal Separation of powers
 - i. 3 branches of government
 - b. Vertical separation of powers
 - i. Federal government has limited and enumerated powers - is this within their powers?
 - ii. State government has reserved powers - is this within State's police powers?
 4. **Precedent** - stare decisis
 - a. What has been found in previous cases
 5. **Policy** - "living constitution"
 - a. What is best reading in light of current societal needs / modern values?
-

HISTORY OF BILL OF RIGHTS

- Early State Constitutions began with a Bill of Rights, then discussed government structure
 - First Constitutional Convention (1787)
 - Ratification brokered by Madison - Anti-Federalists agreed if the first action of the new federal government would be to add a Bill of Rights
 - Not in Constitution because:
 - Federal government was one limited and enumerated powers
 - Not all rights in the constitution are enjoyed by the people
 - Framers believed each sphere of government could interpret the Constitution for themselves
-

NATURAL RIGHTS V. JUDICIAL RESTRAINT

- *Calder v. Bull* (1798)
 - IREDELL - in favor of judicial restraint ** winner
 - Constitution only marks the bounds of power given to the government
 - If federal/state law violate constitutional provisions → VOID
 - Democratic self-government requires people, not judges, to determine this through legislature
 - CHASE - in favor of judges enforcing natural rights
 - Violations of natural rights are obvious
 - Judges are capable of recognizing and enforcing natural rights as a matter of Constitutional law
-

PRE-CIVIL WAR INDIVIDUAL RIGHTS

- Bill of Rights is only applicable to federal government, not state governments. *Barron v. Baltimore* (Takings Clause)
 - If Framers wanted Bill of Rights to apply to States they would have been explicit
 - Historically, security was required from federal government, not states

Constitutional Interpretation Cases Essa

New York (State). Courts



Constitutional Interpretation Cases Essa:

Compendium of GST Cases with Summary Sanjiv Agarwal, Neha Somani, 2021-09-30 About the Book You have in your hands the sixth edition of the bi annual publication on judicial pronouncements on GST laws comprising of analysis of select cases along with the full text of judgments arranged chronologically and alphabetically The book is structured into three major parts viz General Constitutional matters Central State GST and Integrated GST including Compensation Cess and further divided into 22 chapters This edition covers select cases from various High Courts and Supreme Court reported from July 2020 Dec 2020 Pronouncements of Advance Ruling Authority AAR Appellate Advance Ruling Authority AAAR and National Antiprofitteering Authority NAA may be referred to in respective separate books *Public Policy* Christopher A. Simon, 2017-08-15 Now in a thoroughly revised third edition *Public Policy Preferences and Outcomes* is designed to help students enrolled in a public policy course discuss policy issues and understand the ways in which public policy is grounded in normative theory This approachable book examines the role of political theory in the governance process and the effect of public opinion on policy priorities and government It introduces students to the tools of policy analysis and the most up to date policy theories in conceptualizing public policy in several major policy areas New to this edition A thoroughly revised and updated chapter on public policy models including new sections on the importance of science pluralism institutional analysis and development multiple streams the advocacy coalition framework the punctuated equilibrium framework policy diffusion and the constructivist approach New sections on health policy welfare economics and the public good the nuclear arms race the War on Terrorism the Quadrennial Defense Review contemporary policing techniques and issues and renewable energy Restructured and rewritten sections on social policy and equality that includes sections on employment LGBTQ rights and same sex marriage the legalization of marijuana and income inequality Assuming no prior knowledge of the subject and offering instructors a variety of ways to tailor the book to their classroom setting and course priorities *Public Policy Preferences and Outcomes 3e* is a highly flexible and effective teaching resource for introductory public policy courses at the undergraduate level and also serves as an ideal refresher book for students at the graduate level American Constitutional Law Donald P. Kommers, John E. Finn, Gary J. Jacobsohn, 2010 *American Constitutional Law Essays Cases and Comparative Notes* is a unique casebook that encourages citizens and students of the Constitution to think critically about the fundamental principles and policies of the American constitutional order In addition to its distinguished authorship the book has two prominent features that set it apart from other books in the field an emphasis on the social political and moral theory that provides meaning to constitutional law and interpretation and a comparative perspective that situates the American experience within a world context that serves as an invaluable prism through which to illuminate the special features of our own constitutional order While the focus of the book is entirely on American constitutional law the book asks students to consider what if anything is unique in American constitutional life and what we share with other constitutional

democracies Each chapter is preceded by an introductory essay that highlights these major themes and also situates the cases in their proper historical and political contexts This new edition offers updated and expanded treatment of a number of important and timely topics including gerrymandering and campaign finance Volume 1 of this text focuses on governmental structures and relationships and includes a chapter on elections and political representation **Law, Reason and Emotion** Mortimer Sellers (org.), Catherine Moore (org.), Vitor Medrado (org.), 2015-12-01 Volume III Working Groups

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