



Name: \_\_\_\_\_

Date: \_\_\_\_\_

For this assignment, you will identify examples of constitutional principles in action. You will do this by completing the following steps:

1. **Analyze:** Explain which constitutional principle is demonstrated in each recent example.
2. **Write:** Write a reflective paragraph about which constitutional principle you consider to be most relevant today.

To get the best grade possible, follow the instructions in the assignment closely and answer all questions completely. This assignment is worth 10 points.

## ANALYZE

Carefully read the real-world scenarios described in each question and determine which of the following constitutional principles each demonstrates:

- Popular sovereignty
- Republicanism
- Rule of law
- Limited government
- Federalism
- Separation of powers

# Constitutional Practice

**James E. Fleming**



## **Constitutional Practice:**

*Constitutional Practice* Rodney Brazier, 1999 This book is intended for students of constitutional law and British politics and government lawyers politicians and government officials      The Practice of American Constitutional Law Jefferson Powell, 2022-05-19 A comprehensive ideologically neutral description of the practice of constructing and evaluating constitutional law arguments      Constitutions and Political Theory Jan-Erik Lane, 1996 Jan Erik Lane begins by examining the origins and history of constitutionalism the doctrine that the state must be regulated by means of a set of institutions that guarantee citizen rights and procedural accountability He then examines the structure of the state in order to identify the essential elements that constitutional institutions regulate Lane asks why constitutions exist and how they matter for society Finally he seeks out the requirements for a fair and democratic constitution by referring to three key concepts in political theory justice equality and the rule of law The book also offers a comparative survey of formal constitutional arrangements in different countries and an analysis of how constitutions develop in practice through the implementation of constitutional and administrative law in a country's courts      *Justice in Plainclothes* Lawrence G. Sager, 2004-01-01 This book discusses the role of judges and Congress in securing political justice in the United States      *Public Service, Ethics, and Constitutional Practice* John Anthony Rohr, 1998 For civil servants who take an oath to uphold the Constitution that document is the supreme symbol of political morality Constitutional issues are addressed by civil servants every day whenever a policeman arrests a suspect or members of different branches of government meet But how well do these individuals really understand the Constitution's application in their jobs This book encourages civil servants to reflect on specific constitutional principles and events and learn to apply them to the decisions they make Twenty seminal articles by a preeminent scholar seek to legitimate public service by grounding its ethics in constitutional practice John Rohr stresses that ethical practice demands an immersion in the specifics of our constitutional tradition and he offers a guide to attaining a greater sense of those constitutional principles that can be translated into action Along the way he considers such timely issues as financial disclosure the treatment of civil servants as second class citizens and instances of civil servants caught between executive and legislative forces Rohr's opening essays demonstrate that responsible use of administrative discretion is the key issue for career civil servants Subsequent sections examine approaches to training civil servants using constitutional principles character formation resulting from study of the constitutional tradition and the ethical choices that are sometimes posed by separation of powers A final group of chapters shows how a study of other countries constitutional traditions can deepen an understanding of our own while a closing essay looks at past issues and future prospects in administrative ethics from the perspective of Rohr's long involvement in the field Throughout this insightful collection Rohr seeks to remind public servants of the nobility of their calling reinforce their role in articulating public interests against the excesses of private concerns and encourage managers to make greater use of constitutional language to describe their everyday activities Although his work

focuses on the federal career civil servant it also offers valuable lessons applicable to state and local civil servants elected officials judges military personnel and those employed in the nonprofit sector

**The Dynamic Constitution** Richard H. Fallon, 2013-04-22 In this revised and updated second edition of *The Dynamic Constitution* Richard H Fallon Jr provides an engaging sophisticated introduction to American constitutional law Suitable for lawyers and non lawyers alike this book discusses contemporary constitutional doctrine involving such issues as freedom of speech freedom of religion rights to privacy and sexual autonomy the death penalty and the powers of Congress Through examples of Supreme Court cases and portraits of past and present Justices this book dramatizes the historical and cultural factors that have shaped constitutional law *The Dynamic Constitution* 2nd edition combines detailed explication of current doctrine with insightful analysis of the political culture and theoretical debates in which constitutional practice is situated Professor Fallon uses insights from political science to explain some aspects of constitutional evolution and emphasizes features of the judicial process that distinguish constitutional law from ordinary politics

*Evaluation of Fifteen Years of Constitutional Practice in Central and Eastern Europe* Council of Europe, European Commission for Democracy through Law, 2005-01-01 This publication contains the papers presented at the UniDem seminar held in Warsaw 19 20 November 2004 A decade and a half after the democratic transition in the countries of central and eastern Europe the European Commission for Democracy through Law Venice Commission marked its fifteen years of existence by looking back over this period of institutional upheaval The Warsaw seminar which inaugurated the work of the Polish chairmanship of the Committee of Ministers of the Council of Europe viewed these fifteen years of change in the light of constitutional practice Thus two basic approaches were adopted the role of the executive in this practice and the influence of electoral systems in institutional change The papers and discussions in Warsaw brought together specialists from very different backgrounds Marking a convergence between constitutional law and electoral law this conference retraced fifteen years over which the outlines of powers have gradually taken shape Depending on the state the executive has moved towards a presidential semi presidential or parliamentary form of government with a trend towards the latter two During this period electoral systems underwent major changes sometimes dictated by general interest and sometimes responding to partisan demands In all institutions the electoral systems have kept pace with constitutional practice and change and have thus led progressively towards honest and genuine choices for citizens

**The Practice of American Constitutional Law** H. Jefferson Powell, 2022-05-05 Americans often think about constitutional law in terms of high profile decisions by the Supreme Court decisions that divide the justices by ideology not law This focus often leads to the erroneous conclusion that constitutional law arguments are and can only be political in substance In *The Practice of American Constitutional Law* H Jefferson Powell demonstrates that there is a longstanding shared practice of constructing and evaluating constitutional law claims that transcends current political disagreements Powell describes how lawyers and judges identify constitutional problems by using a specifiable method of inquiry that enables them to agree on what the

questions are and thus what any plausible answer must address even when disagreement over the most persuasive answers remains. Rather than being simply politics by other means, constitutional law is the successful practice of giving substance to the Constitution as supreme law. The Dynamic Constitution Richard H. Fallon (Jr.), 2013. In this revised and updated second edition of *The Dynamic Constitution*, Richard H. Fallon Jr. provides an engaging, sophisticated introduction to American constitutional law. Suitable for lawyers and non-lawyers alike, this book discusses contemporary constitutional doctrine involving such issues as freedom of speech, freedom of religion, rights to privacy and sexual autonomy, the death penalty, and the powers of Congress. Through examples of Supreme Court cases and portraits of past and present Justices, this book dramatizes the historical and cultural factors that have shaped constitutional law. *The Dynamic Constitution*, Second Edition, combines detailed explication of current doctrine with insightful analysis of the political culture and theoretical debates in which constitutional practice is situated. Professor Fallon uses insights from political science to explain some aspects of constitutional evolution and emphasizes features of the judicial process that distinguish constitutional law from ordinary politics. The Unfinished Constitution John Arthur, 1989. **Originalism's Promise** Lee J. Strang, 2019-08-08. Provides the first natural law justification for an originalist interpretation of the American Constitution. **Responding to Imperfection** Sanford Levinson, 1995-01-24. An increasing number of constitutional theorists within both the legal academy and university departments of government are focusing on the conceptual and political problems attached to the notion of constitutional amendment. Amendments are among other things, recognitions of the imperfection of existing schemes of government. The relative ease or difficulty of amendment has significant implications for the ways that governments respond to problems that call either for new structures of governance or new powers for already established structures. This book brings together essays by leading legal authorities and political scientists on a range of questions from whether the U.S. Constitution is subject to amendment by procedures other than those authorized by Article V to how significant change is conceptualized within classical rabbinic Judaism. Though the essays are concerned for the most part with the American experience, other constitutional traditions are considered as well. The contributors include Bruce Ackerman, Akhil Reed Amar, Mark E. Brandon, David R. Dow, Stephen M. Griffin, Stephen Holmes, and Cass R. Sunstein. Sanford Levinson, Donald Lutz, Walter Murphy, Frederick Schauer, John R. Vile, and Noam J. Zohar. *Fidelity to Our Imperfect Constitution* James E. Fleming, 2015. James E. Fleming argues that fidelity in interpreting the US Constitution as written requires a moral reading or philosophic approach and that fidelity commits to honouring aspirational principles not following the relatively specific original meanings or original expected applications of the founders. New Outlook, 1907. Implementing the Constitution Richard H. FALLON, 2001. This book argues that the Supreme Court performs two functions. The first is to identify the Constitution's idealized meaning. The second is to develop tests and doctrines to realize that meaning in practice. Bridging the gap between the two, implementing the Constitution requires moral vision but also practical wisdom and common sense ingenuity and

occasionally a willingness to make compromises In emphasizing the Court s responsibility to make practical judgments Implementing the Constitution takes issue with the two positions that have dominated recent debates about the Court s proper role Constitutional originalists maintain that the Court s essential function is to identify the original understanding of constitutional language and then apply it deductively to current problems This position is both unwise and unworkable the book argues It also critiques well known accounts according to which the Court is concerned almost exclusively with matters of moral and constitutional principle Implementing the Constitution bridges the worlds of constitutional theory political theory and constitutional practice It illuminates the Supreme Court s decision of actual cases and its development of well known doctrines It is a doctrinal study that yields jurisprudential insights and a contribution to constitutional theory that is closely tied to actual judicial practice     *The Constitutional Review* ,1922 Includes section Book reviews     The Constitutional History of England in Its Origin and Development William Stubbs,1890     **Introduction to the Study of the Law of the Constitution** Albert Venn Dicey,1893     **Lectures Introductory to the Study of the Law of the Constitution** Albert Venn Dicey,1885     Constitutional Law David S. Schwartz,Lori A. Ringhand,2017 PLEASE NOTE THE LOOSELEAF VERSION IS AVAILABLE AS IS THE EBOOK A THIRD EDITION WILL BE OUT FOR FALL 2021 To view or download the 2020 Supplement to this book click here Constitutional Law A Context and Practice Casebook Second Edition offers comprehensive coverage without backbreaking bulk and allows you to teach constitutional law your own way without having to fight the book Using its unique electronic Expansion Pack system of supplemental modules you can customize your course while still following the book s structure That structure is streamlined into five parts of two chapters each which cover all the essential doctrines of Constitutional Law The book can be used for any general Con Law course whether offered in the first semester or later and whether it covers governmental structure individual rights or both Its comprehensive Teacher s Manual provides succinct but thorough answers for all discussion questions and offers useful guidance for new adopters and first time Constitutional Law teachers Referenced in the Teacher s Manual is the wealth of resources found in the Expansion Packs These supplementary additions correspond to the chapter sections and have optional additional cases review questions etc The Dropbox also has an introductory document a copy of the 385 page casebook TM a TM for each expansion pack short cuts which are also keyed to chapter sections and summarize material a professor may not be able to cover in depth a folder of recommended case studies and a folder with primary documents such as the Articles of Confederation This book is part of the Context and Practice Series edited by Michael Hunter Schwartz Professor of Law and Dean of the McGeorge School of Law University of the Pacific

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