

Constitutional controversies under each constitution

- 1957

1. Lardan v Attorney General

The first case, *Lardan v Attorney-General*,² concerned a deportation order made pursuant to the Deportation Act of 1957. Under this order, the plaintiff was to be deported from Ghana as it was alleged that his continuous presence was not conducive to the public good. He brought an action seeking a declaration to the effect that the order was invalid by virtue of the fact that the Act was not applicable to him since he was a Ghanaian citizen by birth. While the matter was pending in court, Parliament enacted the Deportation (Othman Lardan and Amadu Baba) Act of 1957 which gave power to the Minister of the Interior to specifically deport the two individuals from Ghana. Furthermore, this Act sought to terminate any proceedings in any court instituted for the purpose of challenging the validity of any deportation order made against the persons affected by the Act. Section 4(2) provided as follows:

On any order of deportation being made hereunder, any deportation order made under the Deportation Act, 1957, in respect of the same deportee shall be automatically revoked and if the deportee is in custody under the provisions of the Deportation Act, 1957, he may, notwithstanding any proceedings in any court, whether pending or determined, be retained in custody for the purposes of this Act without being released and such custody shall be deemed to be legal custody, and any proceedings in any court instituted for the purpose of impugning the validity of the Alhaji Alufa Othman Lardan Lalemie Deportation Order, 1957, or the Alhaji Amadu Baba Deportation Order, 1957, shall be automatically determined.

The question the Court had to determine was whether the Act was *ultra vires* the Constitution of Ghana. Smith J held as follows:

I have considered all the other authorities cited to me and they illustrate the same point that the words 'peace, order and good government' with no reservation attached, no restriction as to specific subjects and without qualification, give to any country 'the same plenary powers as are possessed by the Imperial Parliament in England'. It was conceded that this Act of Deportation, and that was a momentary indulgence in fantasy, if passed by the Imperial Government would be a matter for Parliament only and the English courts would be powerless to interfere. If, as I hold, the words 'peace, order and good government', unqualified in any way, are plenary powers possessed by Parliament and no less than the powers possessed by the Imperial Parliament, then it follows just as it would in England that the court here has no power to inquire into such an Act. I consider, therefore, that any law which comes within the ambit of the Ghana (Constitution) Order in Council, s 31, and which does not contravene any other provision in the Constitution can only be challenged in a court of law if it violates or purports to violate sub-section (2) or (3) of the section. On that view, the Act deporting these two persons, not being in contravention of any expressed limitation in

Constitutional Controversies By

**Nathaniel Persily, Jack Citrin, Patrick J.
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Constitutional Controversies Robert A. Goldwin, William A. Schambra, Art Kaufman, 1987 **Constitutional Issues Raised by Recent Campaign Finance Legislation Restricting Freedom of Speech** United States. Congress. House. Committee on the Judiciary. Subcommittee on the Constitution, 2001 **The United States Supreme Court's Assault on the Constitution, Democracy, and the Rule of Law** Adam Lamparello, Cynthia Swann, 2016-12-01 This book argues that the judiciary particularly the Supreme Court should embrace an interpretive framework that promotes equal participation in the democratic process fosters accountability and facilitates robust public discourse among citizens of all backgrounds The authors propose a solution that strives to restore integrity to the Court's decision making process by eschewing ideology and a focus on the utility of outcomes in favor of an intellectually honest jurisprudence that gives all citizens a meaningful voice in governance The work is divided into seven parts Parts I V identify the worst decisions in the Court history and the common themes that helped produce them The chapters within each part are dedicated to a single Supreme Court decision in which the authors analyze the Court's reasoning and explain why it undermined federalism separation of powers and democratic governance Additionally the authors explain why these decisions compromised the relationship between the Court and coordinate branches the federal government and the states and citizens and their elected representatives Part VI identifies several of the best Supreme Court decisions and explains why they provide a principled framework that can be applied in other cases and result in a pro democracy jurisprudence Finally in Part VII the authors propose a comprehensive solution that should inform the Justices judicial philosophies regardless of ideology and strive to promote an equal and participatory democracy The final chapter offers concluding thoughts and argues that a healthy democracy is the foundation upon which equality rests and that a collective view of rights is the path by which to restore liberty for all citizens Constitutional and Economic Issues Raised by D.C. Statehood United States. Congress. House. Committee on the District of Columbia. Subcommittee on Fiscal Affairs and Health, 1987 **The Supreme Court and Constitutional Theory, 1953-1993** Ronald Kahn, 1994 Combining theoretical sophistication with a fundamental comprehension of the political institutions of the USA this study aims to demystify the workings of the United States Supreme Court and its place in democracy **Constitutional Problems Under Lincoln** James Garfield Randall, 1926 **Public Opinion and Constitutional Controversy** Nathaniel Persily, Jack Citrin, Patrick J. Egan, 2008-04-04 This is the first book to provide a comprehensive analysis of American public opinion on the key constitutional controversies of the twentieth century including desegregation school prayer abortion the death penalty affirmative action gay rights assisted suicide and national security to name just a few With essays focusing on each issue in depth Nathaniel Persily Jack Citrin Patrick Egan and an established group of scholars utilize cutting edge public opinion data to illustrate these contemporary debates methodically examining each one and how public attitudes have shifted over time especially in the wake of prominent Supreme Court decisions More than just a compilation of available data

however these essays join the popular constitutionalism debate between those who advocate a dominant role for courts in constitutional adjudication and those who prefer a more pluralized constitutional discourse *Constitutional Law in 1917-1918* Thomas Reed Powell, 1919 **The Present Constitutional Issues and Views** Mangal Chandra Jain Kagzi, 1987

Constitutional Cliffhangers Brian C. Kalt, 2012-01-24 The United States Constitution's provisions for selecting replacing and punishing presidents contain serious weaknesses that could lead to constitutional controversies In this compelling and fascinating book Brian Kalt envisions six such controversies such as the criminal prosecution of a sitting president a two term president's attempt to stay in power the ousting of an allegedly disabled president and more None of these things has ever occurred but in recent years many of them almost have Besides being individually dramatic these controversies provide an opportunity to think about how constitutional procedures can best be designed interpreted and repaired Also because the events Kalt describes would all carry enormous political consequences they shed light on the delicate and complicated balance between law and politics in American government **A Selection of Cases on Constitutional Law** Eugene Wambaugh, 1914 **Commentaries on the Constitution of the United States** Joseph Story, 1891 **Sketches from Our Constitutional History** James A. Van Osdel, 1928 **The Constitutional Law of the United States** Westel Woodbury Willoughby, 1910 The work as a whole is based upon lectures delivered during recent years to the graduate students in political science at the Johns Hopkins University **Indian Constitutional Problems** Sir Paraman̄h̄ri Sundaram Sivasvāmi Aiyar, 1928 *The Constitutional Review* Henry Campbell Black, Herbert Francis Wright, 1919 Includes section Book reviews **Columbia Law Review** , 1912 *The Compact Clause of the Constitution* Felix Frankfurter, James McCauley Landis, 1925 **Complete Digest of All Lawyers Reports Annotated** , 1922 **Magazine of Western History** William Williams, J. H. Kennedy, 1891

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