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Supreme Court Review 2003

Markus W. Gehring



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West's Pacific Digest, Beginning 585 P.2d ,1990 *Constitutional Politics in a Conservative Era* Austin

Sarat,2008-05-05 Aims to bring together the work of leading scholars of Constitutionalism Constitutional law and politics in the United States to take stock of the field to chart its progress and point the way for its future development **Justice**

Kennedy's Jurisprudence Frank J. Colucci,2009 Examines the judicial philosophy of Supreme Court Justice Anthony M Kennedy who has been the critical swing vote on the Court for the last 20 years Flagrant Conduct Dale

Carpenter,2012-03-05 A highly informative detailed even thrilling account of how the Supreme Court arguments reshaped American law Michael Bronski San Francisco Chronicle No one could have predicted that the night of September 17 1998 would be anything but routine in Houston Texas Even the call to police that a black man was going crazy with a gun was hardly unusual in this urban setting Nobody could have imagined that the arrest of two men for a minor criminal offense would reverberate in American constitutional law exposing a deep malignity in our judicial system and challenging the traditional conception of what makes a family Indeed when Harris County sheriff s deputies entered the second floor apartment there was no gun Instead they reported that they had walked in on John Lawrence and Tyron Garner having sex in Lawrence s bedroom So begins Dale Carpenter s gripping and brilliantly researched Flagrant Conduct a work nine years in the making that transforms our understanding of what we thought we knew about Lawrence v Texas the landmark Supreme Court decision of 2003 that invalidated America s sodomy laws Drawing on dozens of interviews Carpenter has taken on the gargantuan task of extracting the truth about the case analyzing the claims of virtually every person involved Carpenter first introduces us to the interracial defendants themselves who were hardly prepared for the strike of lightning that would upend their lives and then to the Harris County arresting officers including a sheriff s deputy who claimed he had looked eye to eye in the faces of the men as they allegedly fornicated Carpenter skillfully navigates Houston s complex gay world of the late 1990s where a group of activists and court officers some of them closeted themselves refused to bury what initially seemed to be a minor arrest The author charts not only the careful legal strategy that Lambda Legal attorneys adopted to make the case compatible to a conservative Supreme Court but also the miscalculations of the Houston prosecutors who assumed that the nation s extant sodomy laws would be upheld Masterfully reenacting the arguments that riveted spectators and Justices alike in 2003 Flagrant Conduct then reaches a point where legal history becomes literature animating a Supreme Court decision as few writers have done In situating Lawrence v Texas within the larger framework of America s four century persecution of gay men and lesbians Flagrant Conduct compellingly demonstrates that gay history is an integral part of our national civil rights story **Current Law Index** ,2005 *Europe's Second Constitution* Markus W. Gehring,2020-09-24 The process of European constitutionalisation is met with extensive scepticism in current national legal and political spheres and in broader circles of public opinion across Europe By shedding light on these concerns this book reveals a widespread misunderstanding

of constitutional federalism which permeates the Member State courts popular media and many academic communities A failure to address confusion over this fundamental concept is leading us towards impoverished development of the EU's Second Constitution and even ensuring that the role of both domestic and international European courts in enriching the constitutionalisation process is overlooked and undervalued In a bid to avoid such consequences this book explores how federalism and further constitutionalisation rightly understood in a dialogue of the European courts may actually change this process and allow a clearer advance toward Europe's Second Constitution for but also with the people of Europe

The Use of Foreign Precedents by Constitutional Judges Tania Groppi, Marie-Claire Ponthoreau, 2013-03-28 In 2007 the International Association of Constitutional Law established an Interest Group on The Use of Foreign Precedents by Constitutional Judges to conduct a survey of the use of foreign precedents by Supreme and Constitutional Courts in deciding constitutional cases Its purpose was to determine through empirical analysis employing both quantitative and qualitative indicators the extent to which foreign case law is cited The survey aimed to test the reliability of studies describing and reporting instances of transjudicial communication between Courts The research also provides useful insights into the extent to which a progressive constitutional convergence may be taking place between common law and civil law traditions The present work includes studies by scholars from African American Asian European Latin American and Oceania countries representing jurisdictions belonging to both common law and civil law traditions and countries employing both centralised and decentralised systems of judicial review The results published here for the first time give us the best evidence yet of the existence and limits of a transnational constitutional communication between courts

Money and Free Speech Melvin I. Urofsky, 2005 Money greases the wheels of American politics from the local level to the White House In the 2004 presidential campaign President George W Bush alone raised nearly 400 million in private and public funds nearly twenty times the combined total raised by John Kennedy and Richard Nixon in 1960 to defeat challenger John F Kerry further fueling anxiety over the power of money to dictate political results Melvin Urofsky one of our nation's most respected legal historians takes a fresh look at efforts to rein in campaign spending and counter efforts in the courts to preserve the status quo He offers a thoughtful and balanced overview of campaign finance reform and the legal responses to it from the Progressive era through the Supreme Court's landmark ruling in *McConnell v FEC* 2003 and its impact on the 2004 election Urofsky focuses especially on the 1971 Federal Election Campaign Act and 2002 McCain Feingold or Bipartisan Campaign Reform Act BCRA and on challenges to both in the Supreme Court In *Buckley v Valeo* 1976 the Court upheld contribution limits but struck down expenditure caps on First Amendment grounds In *McConnell* it upheld the key provisions of McCain Feingold In both cases however opponents argued that congressional control of campaign financing was an unconstitutional infringement of the free speech rights of campaign contributors Urofsky deftly steers the reader through this contentious and complex history revealing how both Congress and the courts have navigated uneasily between the Scylla of potential corruption and

the Charybdis of suppressing political speech Ironically despite the Court's decision upholding McCain Feingold the 2004 presidential election was the most expensive in history because as Urofsky notes money is the mother's milk of politics and both candidates and donors will always find ways to keep it flowing His book provides an excellent and succinct guide to the controversies and historical debates emerging from that fact **Inside the Pentagon Papers** John Prados, Margaret Pratt Porter, 2004 Inside the Pentagon Papers addresses legal and moral issues that resonate today as debates continue over government secrecy and democracy's requisite demand for truthfully informed citizens In the process it also shows how a closer study of this signal event can illuminate questions of government responsibility in any era When Daniel Ellsberg leaked a secret government study about the Vietnam War to the press in 1971 he set off a chain of events that culminated in one of the most important First Amendment decisions in American legal history That affair is now part of history but the story behind the case has much to tell us about government secrecy and the public's right to know Commissioned by Secretary of Defense Robert McNamara the Pentagon Papers were assembled by a team of analysts who investigated every aspect of the war Ellsberg a member of the team was horrified by the government's public lies about the war discrepancies with reality that were revealed by the report's secret findings His leak of the report to the New York Times and Washington Post triggered the Nixon administration's heavy handed attempt to halt publication of their stories which in turn led [Index to Legal Periodicals & Books](#), 2005 **The Supreme Court** Peter Charles Hoffer, William James Hoffer, N. E. H. Hull, 2007 For more than two centuries the U S Supreme Court has provided a battleground for nearly every controversial issue in our nation's history This veteran team of talented historians produces the most readable astute and up to date single volume history of this venerated institution *Montana Code Annotated*, 2008 **M'Culloch V. Maryland** Mark Robert Killenbeck, 2006 Chronicles one of the first and most famous cases to define the reach and power of the federal government over the states It addressed two questions Did Congress have the authority to establish a national bank And was the Maryland law used to tax that bank interfering with the federal government's constitutional authority In one of Chief Justice John Marshall's most famous opinions the Court unanimously answered yes to both questions *Military Tribunals and Presidential Power* Louis Fisher, 2005 Offers coverage of wartime extra legal courts Focusing on those periods when the Constitution and civil liberties have been most severely tested by threats to national security Fisher critiques tribunals called during the presidencies of Washington Madison Jackson Lincoln Andrew Johnson Wilson Franklin Roosevelt and Truman [Journals and Printed Papers of the Parliament of Tasmania](#) Tasmania. Parliament, 1884 **Indian Gaming & Tribal Sovereignty** Steven Andrew Light, Kathryn R. L. Rand, 2005 Examines Indian gaming in detail what it is how it became one of the most politically charged phenomena for tribes and states today and the legal and political compromises that shape its present and will determine its future [The Constitution and 9/11](#) Louis Fisher, 2008 The Constitution and 9/11 provides a comprehensive striking and disturbing analysis of executive misuse of power that is made all the more compelling by placing

it in a rich and fascinating historical contest No better book is available for placing post 9 11 government actions in the matrix of history and explaining how executive power has degraded the Constitution and citizen rights William G Weaver
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