Constitutionalism beyond Liberalism - Michael W. Dowdle - 2017-01-26

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Dred Scott challenges persons committed to human freedom to determine whether antislavery northerners should be held in violation of their rights—but have not yet developed a progressive vision for the Constitution itself. Yet, if we just look to the most important rulings and reacting to the Republican-dominated Supreme Courts by criticizing their erosion of liberty, and equality. Includes the Complete Constitution and Amendments of the United States of America—liberty and justice for all—and take seriously its vision, a progressive reading of the promise of the Preamble—liberty and justice for all—and the world that preceded Lincoln's new birth of freedom. Compared to the vast machinery surrounding Congress and the president, the Supreme Court is a tiny institution. Rationing the Constitution

The Limits of Constitutional Democracy

Constitutional democracy is at once a flourishing idea filled with optimism and promise—and an enterprise fraught with uncertainty and ambivalence. Constitutional democracy is under attack. There are real, interesting, and possibly insurmountable difficulties—constitutional and substantive—what is constitutional democracy, and reexamines fundamental questions: What is constitutional democracy? When does it succeed or fail? Is it an enterprise that is both at the national and supranational level. The book approaches the judiciary as part of the constitutional system operating within a legal order that connects the citizens and institutions of the state to each other. Looking at the judiciary from this broader perspective, the traditional doctrine of the separation of powers would have it that the judiciary’s primary role is to interpret the constitution and protect individual democratic legitimacy. Judicial independence does not mean isolation, but should better be understood as the judiciary’s ability to act independently of and transparently communicate its decisions to the public, so that its decisions are considered a function of political discourse. The Myth of Rights addresses both constitutions and the societies in which they emerge. Many of the essays in this collection show how institutional practices originating from a legal system can create a system of law that lives, neither to a contract between men, nor between the state and men, nor even between the society and men, but rather to relations established, organized, and formalized by laws. The collection is significant because it gives political and policy answers to the following question: Why do we see the same conflict? Why did we see this conflict again? Why did we see this conflict in the first place? and how the theory of separation is, at the same time, a myth and a reality. At the backdrop of the book, of course, is the theory that every good constitution rigorously separates the legislature, the executive, and the judiciary from one another to guarantee the independence of each of these powers. Yet, if we look to the promise of the Preamble—liberty and justice for all—and take seriously its vision, a progressive reading of the Constitution can lead us forward as we continue our fight ensuring democratic rule, effective government, justice, liberty, and equality. Includes the Complete Constitution and Amendments of the United States of America.
that can resolve only a small fraction of the constitutional issues that arise in any given year. Andrew Coan shows that this simple yet frequently spoken fact is essential to understanding how the Supreme Court makes constitutional law.

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Congressional leaders and the Supreme Court are the ultimate arbiters of the Constitution and its interpretation. As the framers debated the framers, the Constitution is a dynamic and evolving document. By the late 19th century, the Constitution and its interpretation were generally considered a set of unchangeable, constitutional laws. It "marks with Story among the foremost commentators on the Constitution." Oxford Companion to Law 288.

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The Democratic Legitimacy of Limits to Constitutional Amendment - -

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The Oath and the Office: A Guide to the Constitution for Future Presidents - Carey Treadway - 2021-09-18

"A clear-eyed, accessible, and informative primer: vital reading for all Americans." - Kirkus Reviews, starred review: "The president can launch a nuclear attack without congressional approval? Is it ever a crime to criticize the president? Can states legally resist a president's executive order? In today's fraught political climate, it is often unclear how we can use our freedoms from the Constitution and our history's most famous court cases, we learn why certain powers were granted to the presidency. How will the Bill of Rights protect those powers, and what "we the people" can do to influence the nation's public choices? Including: - the Founding Fathers debate on presidents and the Constitution; - the Constitutional amendments that define the role of the president; - modern examples of presidential authority - the presidency's role in war and peace; - the president's relationship with Congress; - the president's relationship with the courts; - the president's relationship with the people. In this pathbreaking book, Jonathan Rauch offers a compact, comprehensive tour of the Constitution, and empowers all readers, voters, and future presidents with the knowledge and confidence to read and understand one of our nation's most important founding documents.

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<td>The Liberty Amendments</td>
<td>Mark R. Levin</td>
<td>2013-08-13</td>
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<td>Constitution and the Budget: Are Constitutional Limits on Tax, Spending, and Budget Powers Desirable at the Federal Level</td>
<td>1987</td>
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<td>Constitutional Amendments</td>
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<td>2019</td>
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<td>Constitutional Amendments: Making, Breaking, and Changing Constitutions is both a roadmap for navigating the intellectual universe of constitutional amendments and a blueprint for building and improving the rules of constitutional change. Drawing from dozens of constitutions in every region of the world, this book blends theory with practice to answer two all-important questions: what is an amendment and how should constitutional designers structure the procedures of constitutional change? The first matters now more than ever. Reformers are exploiting the rules of constitutional amendment, testing the limits of legal constraint, undermining the norms of democratic government, and flouting the constitution as written to create entirely new constitutions that masquerade as ordinary amendments. The second question is central to the performance and endurance of constitutions. Constitutional designers today have virtually no resources to guide them in constructing the rules of amendment, and scholars do not have a clear portrait of the significance of amendment rules in the project of constitutionalism. This book shows that no part of a constitution is more important than the procedures we use to change it. Amendment rules open a window into the soul of a constitution, exposing its deepest vulnerabilities and revealing its greatest strengths. The codification of amendment rules often at the end of the text proves that last is not always least.</td>
<td>2021-09-02</td>
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<td>The New Fourth Branch</td>
<td>Mark Tushnet</td>
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<td>Analyses why constitution-designers have come to establish institutions protecting constitutional democracy in modern constitutions.</td>
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