

# Modern Constitutional Law Cases And Notes

The Oxford Handbook of the U.S.  
Constitution Nullification and Secession in Modern  
Constitutional Thought Constitutional Law An  
Integrated Approach to Constitutional  
Law Comparative Constitutional Law Constitutional  
Rights The Rise of Modern Judicial Review Cosmic  
Constitutional Theory Property Law Modern Military  
Justice, Cases and Materials American Constitutional  
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Versions Constitutional Law Modern Constitutional  
Law Dignity Rights Political Science and Comparative  
Constitutional Law Rotunda's Modern Constitutional  
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2019 Supplement How to Read the Constitution--and  
Why 2000 Supplement to Modern Constitutional

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## **The Oxford Handbook of the U.S. Constitution**

### **Nullification and Secession in Modern Constitutional Thought**

Constitutional Law: Cases in Context, Third Edition places primary emphasis on how constitutional law has developed since the Founding, its key foundational principles, and recurring debates. By providing both cases and context, it conveys the competing narratives that all lawyers ought to know and all constitutional practitioners need to know. Teachable, manageable, class-sized chunks of material are suited to one-semester courses or reduced credit configurations. Generous case excerpts make the text flexible for most courses. Cases are judiciously supplemented with background readings from various sources. Innovative study guide questions presented before each case help students focus on the salient issues, challenging them to consider the court's opinions from various perspectives, and suggesting comparisons or connections with other cases. Key Benefits: Revised doctrinal areas with newer cases. Updated background contextual material to reflect current scholarship. A highly accessible and engaging structure that examines the competing narratives that pervade the development of American

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constitutional law since the founding. Related cases are grouped together into “assignments” and make for a reasonable amount of reading for each topic. A wealth of photographs, maps, and primary documents to bring the cases to life.

### **Constitutional Law**

'A clear, readable and fair account of the development of judicial review.'-Ashley Montagu

### **An Integrated Approach to Constitutional Law**

This groundbreaking casebook is ideal for introductory Constitutional Law courses of 3-5 units that teach both structure and rights. Its novel approach presents constitutional law as a coherent system, not as isolated doctrines in silos. The book integrates subjects ordinarily taught in Con Law I and II; it integrates historical and doctrinal approaches; it integrates features of a casebook and a study guide; and it presents each case as an integrated whole, so that students learn relationships among doctrines while studying the details of each. Its tone is accessible, while its structure allows for sophisticated classroom discussion. The Second Edition goes beyond merely incorporating significant cases decided after the First Edition was published in 2015. New historical material and biographical profiles have been added, even for pre-existing cases; some chapters have been reorganized; and some text has been revised to anticipate student questions that

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commonly arise. The features of the casebook that made it a student favorite are, of course, retained. (Students in Prof. Caplan's classes were asked, in an anonymous survey distributed by proctors at the end of the semester, how the First Edition compared to casebooks used in other classes. 37% said the book was "better" than casebooks they used in other classes, and 45% said the book was "a lot better.")

### **Comparative Constitutional Law**

This hugely successful cases-and-problems book is acclaimed for its textual clarity, evenhanded perspective, and contemporary, up-to-date character. Easily distinguished from other property casebooks for its clear descriptions of legal doctrine and its variations; its explanations of the social ramifications of property law; its emphasis on both statutory and regulatory interpretation; its comprehensive treatment of public accommodations and fair housing law, current tribal property issues, and property in human bodies; and its use of the problem method to teach legal reasoning and lawyering skills. Thoroughly updated to reflect significant changes in the law of property, the Seventh Edition incorporates multiple new Supreme Court cases, including: *Texas Department of Housing & Community Affairs v. Inclusive Communities Project, Inc.*, *Obergefell v. Hodges*, and *Reed v. Town of Gilbert*, and three decided or pending cases with implications for regulatory takings, *Horne v. Dep't of Agriculture*, *Marvin M. Brandt Revocable Trust v. United States*, and *Murr v. State*. The purchase of this Kindle edition

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does not entitle you to receive access to the online e-book, practice questions from your favorite study aids, and outline tool available through CasebookConnect.

### **Constitutional Rights**

Since the first publication of Modern Constitutional Law forty years ago, it has continued to be one of the best sellers in a very competitive market. Over the years, many law professors have adopted this user-friendly casebook - which is no surprise, given the rave reviews the book has enjoyed. For example, Professor Thomas E. Baker stated that he has "been so loyal to the Rotunda brand name over the years," because it "remarkabl[y]" manages "to include all the important cases yet preserves a fuller set of opinions to guarantee 'thoughtful classroom discussion'." This Twelfth Edition incorporates many changes in Constitutional law, including limiting federal courts' power to review partisan state gerrymanders, limits on government-compelled speech, refusing to give the President immunity from subpoenas by prosecutors and Congress for the President's private papers, freeing churches from burdens on free exercise of religion, striking down abortion restrictions, and refining powers under the commerce clause.

### **The Rise of Modern Judicial Review**

Constitutional Structure: Cases in Context, Second Edition places primary emphasis on how

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constitutional law has developed since the Founding, its key foundational principles, and recurring debates. By providing both cases and context, it conveys the competing narratives that all lawyers ought to know and all constitutional practitioners need to know. Teachable, manageable, class-sized chunks of material are suited to one-semester courses or reduced credit configurations. Generous case excerpts make the text flexible for most courses. Cases are judiciously supplemented with background readings from various sources. Innovative study guide questions presented before each case help students focus on the salient issues, challenging them to consider the court's opinions from various perspectives, and suggesting comparisons or connections with other cases. Key Benefits: Revised doctrinal areas with newer cases. Updated background contextual material to reflect current scholarship. A highly accessible and engaging structure that examines the competing narratives that pervade the development of American constitutional law since the founding. Related cases are grouped together into "assignments" and make for a reasonable amount of reading for each topic. A wealth of photographs, maps, and primary documents to bring the cases to life. The purchase of this Kindle edition does not entitle you to receive access to the online e-book, practice questions from your favorite study aids, and outline tool available through CasebookConnect.

### **Cosmic Constitutional Theory**

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What underlies this development? In this concise and highly engaging work, Federal Appeals Court Judge and noted author (From Brown to Bakke) J. Harvie Wilkinson argues that America's most brilliant legal minds have launched a set of cosmic constitutional theories that, for all their value, are undermining self-governance.

### **Property Law**

### **Modern Military Justice, Cases and Materials**

In a series of remarkable forays, Post develops an original account of how law functions in a democratic society. He draws on work in sociology, philosophy, and political theory, to offer a radically new perspective on some of the most pressing constitutional issues of our day, such as the regulation of racist speech, pornography, and privacy.

### **American Constitutional Law, Volume II**

The second edition of the casebook, which is suitable either for a one- or two-semester course, strives to make constitutional law easily teachable and readily accessible for students. The authors have selected the cases very carefully and provided fuller versions of the opinions so that students get a good sense of the Court's reasoning. Text boxes call the students' attention to important aspects of each opinion, and the book is filled with introductions, points for

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discussion, hypotheticals, and executive summaries. The authors present a diversity of views on every subject, and, reflecting some of their own disagreements, the authors have written point-counterpoint discussions on many disputed questions.

### **Modern Constitutional Law Cases and Notes, 2017 Supplement to Unabridged and Abridged Versions**

A provocative history that reveals how guns—not abortion, race, or religion—are at the heart of America's cultural divide. *Gunfight* is a timely work examining America's four-centuries-long political battle over gun control and the right to bear arms. In this definitive and provocative history, Adam Winkler reveals how guns—not abortion, race, or religion—are at the heart of America's cultural divide. Using the landmark 2008 case *District of Columbia v. Heller*—which invalidated a law banning handguns in the nation's capital—as a springboard, Winkler brilliantly weaves together the dramatic stories of gun-rights advocates and gun-control lobbyists, providing often unexpected insights into the venomous debate that now cleaves our nation.

### **Constitutional Law**

Originally published in 1955, this book presents the workings of American constitutional law for a non-American audience.

### **Modern Constitutional Law**

## **Dignity Rights**

Constitutional Rights: Cases in Context, Second Edition places primary emphasis on how constitutional law has developed since the Founding, its key foundational principles, and recurring debates. By providing both cases and context, it conveys the competing narratives that all lawyers ought to know and all constitutional practitioners need to know. Teachable, manageable, class-sized chunks of material are suited to one-semester courses or reduced credit configurations. Generous case excerpts make the text flexible for most courses. Cases are judiciously supplemented with background readings from various sources. Innovative study guide questions presented before each case help students focus on the salient issues, challenging them to consider the court's opinions from various perspectives, and suggesting comparisons or connections with other cases. Key Benefits: Revised doctrinal areas with newer cases. Updated background contextual material to reflect current scholarship. A highly accessible and engaging structure that examines the competing narratives that pervade the development of American constitutional law since the founding. Related cases are grouped together into "assignments" and make for a reasonable amount of reading for each topic. A wealth of photographs, maps, and primary documents to bring the cases to life.

## **Political Science and Comparative**

## **Constitutional Law**

American Constitutional Law, Volume II provides a comprehensive account of the nation's defining document, examining how its provisions were originally understood by those who drafted and ratified it, and how they have since been interpreted by the Supreme Court, Congress, the President, lower federal courts, and state judiciaries. Clear and accessible chapter introductions and a careful balance between classic and recent cases provide students with a sense of how the law has been understood and construed over the years. The Tenth Edition has been fully revised to include twelve new cases, including key decisions *Obergefell v. Hodges*, *Burwell v. Hobby Lobby Stores*, *Shelby County v. Holder*, *Horne v. Department of Agriculture*, and *Riley v. California*. A revamped and expanded companion website offers access to even more additional cases, an archive of primary documents, and links to online resources, making this text essential for any constitutional law course.

## **Rotunda's Modern Constitutional Law, Cases and Notes, 8th Edition, 2008 Supplement (American Casebook Series)**

Harvard Law Professor Cass Sunstein has said that South Africa has "the most admirable constitution in the history of the world." This comparative constitutional law casebook is unique because it allows students and experts in U.S. constitutional law (or other nations) to compare their approach with

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modern South African constitutionalism. The transformative and progressive South African Constitution adopts the most successful parts of existing parliamentary constitutions, while honoring the nation's African heritage. Further, it incorporates numerous international human rights such as socio-economic and environmental rights. The book's South African focus guarantees readers will grasp the contingency and social context of a foreign constitutional court's decisions, rather than primarily surveying cases from numerous other nations. Yet the introductory chapter also provides background on South Africa, and then exposes readers to key theoretical questions about comparativism. Moreover, that chapter briefly describes seven other constitutional democracies where the courts play important but different roles than in South Africa. These nations provide further context for the strong judicial review exercised by the South African Constitutional Court. Indeed, excerpts from that Court's decisions make up most of the core second chapter. The core chapter also contains questions about the reasoning of each South African case, as well as how that case compares to a single foreign case on the same topic. The book is suitable for law students, as well as other graduate and undergraduate students. In addition, the book is the first condensed version of South African constitutional case law published in the U.S. Thus, it functions as a research collection for experts, as well as a casebook.

### **Gunfight: The Battle Over the Right to Bear Arms in America**

## **Australian Constitutional Law**

Constitutional Law: Cases, Approaches, and Applications is a succinct and careful presentation of canonical constitutional law cases and important constitutional law statements from the political branches. Additionally, its annual supplement includes material based on recent appellate cases applying Supreme Court constitutional doctrine. Its main features include: relatively longer excerpts of relatively fewer cases, carefully edited to preserve citations to relevant precedent. This feature allows professors to engage students about appropriate use of precedent. The book also includes note material that connects the featured cases, thus providing the students with a comprehensive explanation of the law in a manageable number of pages. Thematic, as well as topical, organization, which allows professors to explore particular jurisprudential approaches. For example, much of the equal protection material is organized around the Court's use, and eventual abandonment, of suspect class analysis. An annual supplement that, in addition to excerpting the Supreme Court's most recent constitutional law opinions, also features appellate cases applying the Court's constitutional law doctrines, in the form of excerpts, notes, or problems. This feature helps students understand how the Court's often-vague statements of constitutional law are actually applied. It also teaches the fundamental (but often-unlearned) reality that practicing lawyers need to know not just what the Supreme Court has said about a particular

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issue, but how the relevant lower court jurisdiction has understood that statement. Moreover, providing these cases as problems allows students to work through the implications of a Supreme Court decision in a concrete, real-life context.

### **The Prophet of Modern Constitutional Liberalism**

The book focuses on the revival of "nullificationist," or even "secessionist," arguments, both in the United States and abroad, relative to the authority of national institutions, including courts, over dissenting subnational units or groups of individual citizens.

### **Constitutional Structure**

Cases and Materials on Consumer Law (4th ed.) retains its comprehensive coverage and has been completely updated to reflect new developments in the dynamic field of consumer law, including: \*

- Internet marketing, ad substantiation, celebrity and other testimonials
- \* Consumer credit regulation, and the new Consumer Financial Protection Bureau
- \* Consumer privacy, online marketing and tracking
- \* Emerging payment systems - e.g., credit, debit and stored value cards
- \* Remedies -latest U.S. Supreme Court developments on consumer arbitration
- \* Predatory lending ("capstone" chapter), the legal fallout from the subprime mortgage foreclosure crisis

This text contains a balance of cases, problems that reflect modern situations, and notes with discussion questions and references to the latest consumer

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protection scholarship. An updated teacher's manual and a new statutory supplement, entitled Selected Consumer Statutes, are available, also.

### **Dimensions of Dignity**

### **An Introduction to Constitutional Law**

The Tenth Edition of Constitutional Law continues the approach of previous editions - to let the Supreme Court, not the editors, speak. Highlights include: \* Seminole Tribe of Florida v. Florida, United States v. Lopez & U.S. Term Limits, Inc. v. Thornton reflect the Court's re-emphasis on major federalism disputes \* Racial gerrymandering cases with Adarand Constructors, Inc. v. Peña in place of Metro Broadcasting, Inc. v. Federal Communications Commission \* New sex discrimination material (J.E.B. v. Alabama ex rel. T.B. & United States v. Virginia) \* Denver Area Educational Telecommunications Consortium, Inc. v. Federal Communications Commission shows wide division within the Court concerning First Amendment limits on cable television regulation Note: New edition planned for 2001.

### **Constitutional Law**

Updates Rotunda's Modern Constitutional Law, 6th, and is current through June 2001. Like the book, the supplement focuses on modern constitutional law, the law that will be litigated today and tomorrow. Assists students with forming a good understanding of the

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basic principles of the law, what the law is, and where it is going.

### **Constitutional Law for a Changing America**

This multimedia platform combines a book and video series that will change the way you study constitutional law. An Introduction to Constitutional Law teaches the narrative of constitutional law as it has developed over the past two centuries. All students—even those unfamiliar with American history—will learn the essential background information to grasp how this body of law has come to be what it is today. An online library of sixty-three videos (access codes provided with purchase of the book) brings the Supreme Court’s one hundred most important decisions to life. These videos are enriched by photographs, maps, and even audio from the Supreme Court. The book and videos are accessible for all levels: law school, college, high school, home school, and independent study. Students can read and watch these materials before class to prepare for lectures or study after class to fill in any gaps in their notes. And, come exam time, students can watch the entire canon of constitutional law in about twelve hours.

### **Constitutional Construction**

Drawing on political science as much as from legal studies, Constitutional Law for a Changing America helps students realize that Supreme Court cases are

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more than just legal names and citations. Ideal for a one-semester course, the Short Course offers all of the hallmarks of the Rights and Powers volumes in a more condensed format. The authors are known for fastidious revising and streamlining of decisions. A recipient of 12 grants from the National Science Foundation for her work on law and legal institutions, Lee Epstein has authored or co-authored over 100 articles and essays, as well as 15 books, and received the Teaching and Mentoring Award from the Law and Courts Section of the American Political Science Association. Additionally, Thomas G. Walker is the Goodrich C. White Professor of Political Science at Emory University and co-author of *A Court Divided*, which won the V. O. Key, Jr. Award for the best book on southern politics.

### **Rotunda's Modern Constitutional Law**

This supplement brings the principal text current with recent developments in the law.

### **Constitutional Domains**

Offers a public law theory that elaborates the idea of human dignity to illuminate and justify innovations in constitutional practice.

### **State Constitutional Law**

Unlike other casebooks that typically seek to tackle the entirety of Constitutional Law and are organized from the perspective of the constitutional scholar—a

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top-down approach that encompasses (and even emphasizes) theoretical and philosophical perspectives and debates—Modern Constitutional Law: Cases, Problems and Practice focuses on key areas of constitutional law and is organized from the ground-up. Rather than assuming students will one day be making constitutional arguments before the U.S. Supreme Court (or teaching Constitutional Law), this book assumes students will more likely be making constitutional arguments before a state or federal trial court. And so it focuses on those areas of Constitutional Law that are likely to be relevant to the practice areas in which most law students will work after law school—small or solo firms that count individuals and small businesses as their clientele, or the offices of state agencies, district attorneys, or public defenders. New to the Second Edition: Updated with key First Amendment cases through the 2017–2018 Supreme Court term, including *Expressions Hair Design v. Schneiderman* and *Masterpiece Cakeshop v. Colorado Civil Rights Commission* Includes commentary on controversial cases from the 2017–2018 Supreme Court term, including *Trump v. Hawaii* Existing cases have been further edited to preserve the scope of the book while reducing its size Additional supplemental cases are added to the online Professor Resources to allow professors to add coverage of most areas of constitutional law Professors and students will benefit from: Narrower scope than other casebooks, the book is more manageable for 3- and 4- credit courses A focus on doctrine rather than theory Emphasis on modern and contemporary cases rather than historical ones (although landmark cases, such as

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McCulloch v. Maryland, The Prize Cases, and Lochner v. New York, to name a few, are also included)

Coverage that focuses on the issues most relevant to the types of practice students will enter upon graduation, such as due process, equal protection, and First Amendment Inclusion of cases from the lower federal and state courts, courts in which most students are most likely to one day find themselves litigating constitutional issues Inclusion of a generous number of case excerpts to help students develop their ability to read legal texts closely and extract useful information, rather than, like many casebooks, relying on numerous Notes to cover the jurisprudence in a particular area Each chapter includes one or more Problems to provide students opportunities to apply the doctrines learned Each chapter includes one or more "Practice Perspectives" that present the facts, background, and resolution of actual constitutional law cases, challenging students to explain the results based on what they have learned in the chapter

### **Constitutional Process**

Modern Administrative Law provides an authoritative overview of administrative law in Australia. It clarifies and enlivens this crucial but complex area of law, with erudite analysis and thoroughly modern perspectives. The contributors - including highly respected academics from 11 Australian law schools, as well as eminent practitioners including Chief Justice Robert French AC and Justice Stephen Gageler of the High Court of Australia - are at the forefront of current research, debate and decision making, and infuse the

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book with unique insight. The book examines the structure and themes of administrative law, the theory and practice of judicial review, and the workings of administrative law beyond the courts. Administrative law affects innumerable aspects of political, commercial and private life, and yet is often considered difficult to understand. Modern Administrative Law unravels the intricacies and reveals how they are applied in real cases. It is an essential reference for students and practitioners of administrative law.

### **Modern Constitutional Law**

The Oxford Handbook of the U.S. Constitution offers a comprehensive overview and introduction to the U.S. Constitution from the perspectives of history, political science, law, rights, and constitutional themes, while focusing on its development, structures, rights, and role in the U.S. political system and culture. This Handbook enables readers within and beyond the U.S. to develop a critical comprehension of the literature on the Constitution, along with accessible and up-to-date analysis. The historical essays included in this Handbook cover the Constitution from 1620 right through the Reagan Revolution to the present. Essays on political science detail how contemporary citizens in the United States rely extensively on political parties, interest groups, and bureaucrats to operate a constitution designed to prevent the rise of parties, interest-group politics and an entrenched bureaucracy. The essays on law explore how contemporary citizens appear to expect and accept

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the exertions of power by a Supreme Court, whose members are increasingly disconnected from the world of practical politics. Essays on rights discuss how contemporary citizens living in a diverse multi-racial society seek guidance on the meaning of liberty and equality, from a Constitution designed for a society in which all politically relevant persons shared the same race, gender, religion and ethnicity. Lastly, the essays on themes explain how in a "globalized" world, people living in the United States can continue to be governed by a constitution originally meant for a society geographically separated from the rest of the "civilized world." Whether a return to the pristine constitutional institutions of the founding or a translation of these constitutional norms in the present is possible remains the central challenge of U.S. constitutionalism today.

### **Consumer Law**

This is the first comprehensive analysis of how the collective nature of Supreme Court decision making affects the transformation of the justices' preferences into constitutional doctrine. Analyzing the Supreme Court from the perspective of social choice theory, Maxwell L. Stearns offers new insights into Supreme Court decision making that have profound implications for understanding the outcomes in a number of cases and the resulting doctrinal development within constitutional law which traditional analyses have proven ill-equipped to explain. The book models several important process-based Supreme Court rules, including outcome voting,

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the narrowest-grounds rule, stare decisis, and justiciability, with a particular emphasis on standing. These doctrines have each had a significant impact upon the evolution of modern constitutional law, including but not limited to the following areas: affirmative action, school desegregation, racial gerrymandering, obscenity, and abortion. Each model is presented in nontechnical language with several concrete illustrations drawn from recent Supreme Court case law. The book offers a new understanding of two apparently paradoxical situations: first, cases in which there are separate majorities on specific issues in the case that suggest, logically, that there should be a majority for the dissenting result; and second, cases in which discrete minorities--as opposed to the apparent majority--control the identification and resolution of dispositive case issues. In addition, the book sheds new light on why the Court employs stare decisis, even though the doctrine grounds the evolution of legal doctrine on the order in which cases are presented and decided, and on how the modern standing doctrine ameliorates the incentives for interest groups to time the litigation of cases in a way that will exert a disproportionate influence over the direction of constitutional doctrine. This book will appeal to scholars of the Supreme Court or judicial decision-making. It should also be of interest to students of social choice and of law and economics who have not previously considered the Supreme Court or constitutional law as fertile ground for their disciplines. Maxwell L. Stearns is Professor of Law, George Mason University School of Law.

## **Modern Administrative Law in Australia**

The right to dignity is now recognized in most of the world's constitutions, and hardly a new constitution is adopted without it. Over the last sixty years, courts in Latin America, Europe, Asia, Africa, the Middle East, and North America have developed a robust jurisprudence of dignity on subjects as diverse as health care, imprisonment, privacy, education, culture, the environment, sexuality, and death. As the range and growing number of cases about dignity attest, it is invoked and recognized by courts far more frequently than other constitutional guarantees.

Dignity Rights is the first book to explore the constitutional law of dignity around the world. Erin Daly shows how dignity has come not only to define specific interests like the right to humane treatment or to earn a living wage, but also to protect the basic rights of a person to control his or her own life and to live in society with others. Daly argues that, through the right to dignity, courts are redefining what it means to be human in the modern world. As described by the courts, the scope of dignity rights marks the outer boundaries of state power, limiting state authority to meet the demands of human dignity. As a result, these cases force us to reexamine the relationship between the individual and the state and, in turn, contribute to a new and richer understanding of the role of the citizen in modern democracies.

## **Modern Constitutional Law Case And Notes 2005**

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Australian Constitutional Law: Concepts and Cases is a highly accessible, clear and methodical overview of Australian constitutional law, integrating theory and doctrine. It is both comprehensive and concise. This book takes a conceptual rather than chronological approach to topics. With focussed rather than lengthy case extracts, the book explains what the law is and why various interpretations have been adopted. Clear explanations enable students to understand and engage with constitutional law, including its complexity and nuance. The book's explicit linkages between topics and clear delineation between case extracts and commentary help students make sense of Australian constitutional law as a whole. Conceptual and discussion questions at the end of each chapter facilitate student thinking and discussion about how the law has evolved and how the law is applied. Written by leading constitutional law scholar Luke Beck, Australian Constitutional Law: Concepts and Cases is invaluable for students engaging with Australian constitutional law.

### **Modern Constitutional Law**

This textbook comprehensively covers the modern military justice system under the Uniform Code of Military Justice. The materials included come from every service within the Armed Forces, and show how the military justice system addresses all criminal offenses, ranging from minor infractions to serious offenses such as the misconduct of soldiers at Abu Ghraib prison. The text covers the jurisdiction of courts-martial; sources of military law; military

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offenses and defenses; pre-trial, trial, and appellate procedures; the role of judge advocates; non-judicial punishment and other alternatives to courts-martial; special forums such as boards of inquiry and military commissions for trying enemy belligerents; the relationship of courts-martial to state and federal courts; and much more. All chapters include policy questions about currently controversial issues. The text is appropriate for all students, whether or not they have had prior military experience. The Second Edition includes five new cases and addresses new legislation concerning special victims counsel; preliminary hearings; the role of commanders in referring and reviewing charges; mandatory minimum sentences for conviction of certain sex offenses; the offense of sodomy; and the good soldier defense.

### **Constitutional Law**

"A must-read for this era."—Jake Tapper, CNN Anchor and Chief Washington Correspondent An insightful, urgent, and perennially relevant handbook that lays out in common sense language how the United States Constitution works, and how its protections are eroding before our eyes—essential reading for anyone who wants to understand and parse the constantly breaking news about the backbone of American government. The Constitution is the most significant document in America. But do you fully understand what this valuable document means to you? In *How to Read the Constitution--and Why*, legal expert and educator Kimberly Wehle spells out in clear, simple, and common sense terms what is in the Constitution,

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and most importantly, what it means. In compelling terms and including text from the United States Constitution, she describes how the Constitution's protections are eroding—not only in express terms but by virtue of the many legal and social norms that no longer shore up its legitimacy—and why every American needs to heed to this “red flag” moment in our democracy. This invaluable—and timely—resource includes the Constitution in its entirety and covers nearly every significant aspect of the text, from the powers of the President and how the three branches of government are designed to hold each other accountable, to what it means to have individual rights—including free speech, the right to bear arms, the right to be free from unreasonable searches and seizures, and the right to an abortion. Finally, the book explains why it has never been more important than now for all Americans to know how our Constitution works—and why, if we don't step in to protect it now, we could lose its protections forever. *How to Read the Constitution--and Why* is essential reading for anyone who cares about maintaining an accountable government and the individual freedoms that the Constitution enshrines for everyone in America—regardless of political party.

### **Constitutional Law, Cases and Materials, 15th, 2019 Supplement**

### **How to Read the Constitution--and Why**

John Stuart Mill is the father of modern liberalism. His

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most remembered work, *On Liberty*, which was published in 1859, changed the course of the liberal tradition. What is less well-known is that his ideas have profoundly influenced the American constitutional rights tradition of the latter half of the twentieth century. Mill's "harm principle" inspired the constitutional right to privacy recognized in *Griswold v Connecticut*, *Roe v Wade* and other cases. His defense of freedom of expression influenced Justices Holmes, Brandeis, Douglas, Kennedy and others and led to greatly expanded freedom of speech in the twentieth century. Finally, Mill was an ardent feminist whose last important work, *The Subjection of Women*, was a full-scale and, for its time, radical defense of complete gender equality. This is a book for lawyers who want to understand the intellectual origins of modern constitutional rights, and for political philosophers interested in the constitutional implications of Mill's conception of freedom.

### **2000 Supplement to Modern Constitutional Law**

This new case book addresses the constitutions of the 50 States. It is designed for a survey course, one that does not purport to cover every State's constitution in detail. Rather, like a traditional contracts, real property or torts textbook, it uses the most interesting state court decisions from around the country to illustrate the astonishing array of state constitutional issues at play in modern American law. The method of presentation emphasizes the function of state constitutions in our federal system. It

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sometimes does so by explaining how the U.S. Constitution deals with an issue before discussing how the state constitutions handle it, and it sometimes does so by explaining how the state constitutions contain provisions that have no parallel in the U.S. Constitution. A central theme of the book, explored in a variety of areas, is that state constitutions provide a source of rights independent of the Federal Constitution, and state courts frequently construe these provisions to grant more expansive protection for individual rights than the Federal Constitution provides. As the reader will see, the state courts' expansion of liberty and property rights under their constitutions stems from a variety of factors: differences in the text between the state and federal constitutional provisions, the smaller size of the state courts' jurisdiction, state constitutional history, unique state traditions and disagreement with the U.S. Supreme Court's interpretation of similar language. State constitutional law, like its federal counterpart, is not limited to individual rights. The book also explores the organization and structure of state and local governments, the method of choosing state judges, the ease with which most state constitutions can be amended, taxation, public finance and school funding. As the nightly news confirms, it is no exaggeration to say that many of the most ground-breaking constitutional debates of the day are being aired in the state courts under their own constitutions. The mission of this book is to introduce students to this increasingly significant body of American law and to prepare them to practice effectively in it.

## **American Constitutional Law**

This book argues that the Constitution has a dual nature. The first aspect, on which legal scholars have focused, is the degree to which the Constitution acts as a binding set of rules that can be neutrally interpreted and externally enforced by the courts against government actors. This is the process of constitutional interpretation. But according to Keith Whittington, the Constitution also permeates politics itself, to guide and constrain political actors in the very process of making public policy. In so doing, it is also dependent on political actors, both to formulate authoritative constitutional requirements and to enforce those fundamental settlements in the future. Whittington characterizes this process, by which constitutional meaning is shaped within politics at the same time that politics is shaped by the Constitution, as one of construction as opposed to interpretation. Whittington goes on to argue that ambiguities in the constitutional text and changes in the political situation push political actors to construct their own constitutional understanding. The construction of constitutional meaning is a necessary part of the political process and a regular part of our nation's history, how a democracy lives with a written constitution. The Constitution both binds and empowers government officials. Whittington develops his argument through intensive analysis of four important cases: the impeachments of Justice Samuel Chase and President Andrew Johnson, the nullification crisis, and reforms of presidential-congressional relations during the Nixon presidency.

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