

We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the Progress and Prosperity, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Interpreting STATE CONSTITUTIONS

A JURISPRUDENCE OF FUNCTION IN A FEDERAL SYSTEM

JAMES A. GARDNER

Interpreting State Constitutions

Patrick John McGinley



Interpreting State Constitutions:

Interpreting State Constitutions James A. Gardner, 2005 *Interpreting State Constitutions* examines and proposes a solution to a problem central to contemporary debates over the enforcement of civil liberties how courts government officials and lawyers should go about interpreting the constitutions of the American states With the Supreme Court's retreat from the aggressive protection of individual rights state courts have begun to interpret state constitutions to provide broader protection of liberties This development has reversed the polarity of constitutional politics as liberals advocate unimpeded state power while conservatives lobby for state subordination to a constitutional law controlled centrally by the Supreme Court James A Gardner here lays out the first fully developed theory of subnational constitutional interpretation He argues that states are integral components of a national system of overlapping and mutually checking authority and that the purpose of this system is to protect liberty and defend against federal domination The resulting account provides valuable prescriptive advice to state courts showing them how to fulfill their responsibilities to the federal system in a way that strengthens American constitutional discourse

Understanding State Constitutions G. Alan Tarr, 2018-06-05 For many Americans the word constitution means just one thing the national Constitution According to a recent survey almost half do not know that individual states also have constitutions Scholars have also paid little attention to state constitutions favoring the apparently more dynamic and significant federal scene G Alan Tarr seeks to change that in this landmark book A leading authority on state legal issues he combines history law and political science to present a thorough and long needed account of the distinct and important role of state constitutions in American life Tarr shows that state constitutional politics are dominated by three crucial issues with little salience at the national level the distribution of power among groups and regions within states the scope of state and local governmental authority and the relation of the state to economic activity He explains how state constitutions differ from the national Constitution in treating not only matters of high principle but also such mundane subjects as ski trails and motor vehicle revenues He also explores why state constitutions unlike their federal counterpart have been so frequently amended and replaced Tarr concludes that the United States not only has a system of dual constitutionalism but also has dual constitutional cultures Powerfully argued and meticulously researched the book fills an important gap in political and legal studies and finally gives state constitutions the scholarly attention they richly deserve

The Law of American State Constitutions Robert F. Williams, Lawrence Friedman, 2023 The second edition of *The Law of American State Constitutions* provides complete coverage of the legal doctrines surrounding applying to and arising from American state constitutions and their judicial interpretation Drawing on examples from specific states Professors Williams and Friedman analyze the nature and function of state constitutions in contrast to the federal Constitution including rights separation of powers issues of interpretation and the processes for amendment and revision In this edition Williams and Friedman focus on recent developments including the state constitutional dimensions of same sex marriage and the reaction

of state courts to U S Supreme Court decision making This edition of The Law of American State Constitutions remains an important analytical tool that explains the unique character and the range of interpretive approaches to these constitutions It covers the structure of state governments under state constitutions as well as the distribution of powers among the legislative executive and judicial branches Like the first edition this edition presents a complete picture of state constitutional law and the attributes and features that make this body of law so distinctive *The Law of American State Constitutions* Robert Williams,2009-10-22 The Law of American State Constitutions provides complete coverage of the legal doctrines surrounding applying to and arising from American state constitutions and their judicial interpretation Using specific examples Professor Williams provides legal analysis of the nature and function of state constitutions by contrast to the federal Constitution including rights separation of powers policy based provisions the judicial interpretation issues that arise under state constitutions and the processes for their amendment and revision Reference is made to history and political theory but legal analysis is the primary focus The Law of American State Constitutions provides an important analytical tool that explains the unique character and the range of judicial interpretation of these constitutions together with the specialized techniques of argument and interpretation surrounding state constitutions This is the first book to present a complete picture of the current body of state constitutional law and its judicial interpretation **State Constitutions for the Twenty-first Century, Volume 3** G. Alan Tarr,Robert F. Williams,2012-02-01 This third and final volume in a series devoted to state constitutions analyzes how these documents address major constitutional issues such as the protection of rights voting and elections constitutional change the legislature the executive the judiciary taxing spending and borrowing local government education and the environment Contributors identify the strengths and weaknesses of current state constitutions highlight the major issues confronting the states and assess various approaches for reform **State Constitutions for the Twenty-first Century, Volumes 1, 2 & 3** G. Alan Tarr, Frank P. Grad, Robert F. Williams,2007-06-01 State Constitutions for the Twenty first Century Volume 1 The Politics of State Constitutional Reform State Constitutions for the Twenty first Century Volume 2 Drafting State Constitutions Revisions and Amendments State Constitutions for the Twenty first Century Volume 3 The Agenda of State Constitutional Reform **The Law of American State Constitutions** Robert Forrest Williams, Lawrence Friedman,2023 The second edition of The Law of American State Constitutions provides complete coverage of the legal doctrines surrounding applying to and arising from American state constitutions and their judicial interpretation Drawing on examples from specific states Professors Williams and Friedman analyze the nature and function of state constitutions in contrast to the federal Constitution including rights separation of powers issues of interpretation and the processes for amendment and revision In this edition Williams and Friedman focus on recent developments including the state constitutional dimensions of same sex marriage and the reaction of state courts to U S Supreme Court decision making This edition of The Law of American State Constitutions remains an important analytical tool that explains the unique

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The Washington State Constitution Robert F. Utter, Hugh D. Spitzer, 2013-03-15 The Washington State Constitution provides an outstanding constitutional and historical account of the state's governing charter In addition to an overview of Washington's constitutional history that focuses on the document's 19th century populist roots it provides an in depth section by section analysis of the entire constitution detailing the many significant changes made since its initial drafting This treatment along with a table of cases index and bibliography provides an unsurpassed reference guide for lawyers judges scholars and members of the general public The second edition of The Washington State Constitution has been significantly expanded to detail the impact of the late nineteenth century Populist movement on both the structure and content of Washington's 1889 constitution The book includes current and important developments in the theory of state constitutional interpretation in Washington State describes the significant expansion over the past decade in the Washington Supreme Court's independent reliance on the state's constitution rather than the federal constitution in many constitutional doctrines particularly those related to individual rights The title also includes up to date analysis of significant developments in a number of areas including the rights of criminal defendants personal freedoms of speech religion and privacy powers and constraints on the state legislature and the governor the initiative referendum and recall and the application of Washington's unique public education clause The Washington State Constitution was cited in the following notable cases *League of Educ Voters v State* __ Wn 2d __ 295 P 3d 743 758 59 2013 both majority and dissent *In re Bond Issuance of Greater Wenatchee Regional Events Center Public Facilities* 175 Wash 2d 788 813 816 287 P 3d 567 580 2012 dissent *Bellevue School Dist v E S* 171 Wash 2d 695 717 257 P 3d 570 581 2011 The Oxford Commentaries on the State Constitutions of the United States is an important series that reflects a renewed international interest in constitutional history and provides expert insight into each of the 50 state constitutions Each volume in this innovative series contains a historical overview of the state's constitutional development a section by section analysis of its current constitution and a comprehensive guide to further research Under the expert editorship of Professor G Alan Tarr Director of the Center on State Constitutional Studies at Rutgers University this series provides essential reference tools for understanding state constitutional law Books in the series can be purchased individually or as part of a complete set giving readers unmatched access to these important political documents

The Ohio State Constitution Steven H. Steinglass, Gino J. Scarselli, 2022 The Ohio State Constitution is the long awaited thoroughly updated edition of the most comprehensive volume on the history and development of the Constitution of the State of Ohio From 2004 to 2021 it covers 16 constitutional amendments over 100 Ohio Supreme Court decisions interpreting the Ohio constitution and discusses key updates to the constitution by the Ohio

Constitutional Modernization Commission that operated between 2013 and 2017

The Wisconsin State Constitution Steve Miller, Jack Stark, 2019-09-18 The Wisconsin State Constitution provides an outstanding constitutional and historical account of the state's governing charter. In addition to an overview of Wisconsin's constitutional history, it provides an in-depth section-by-section analysis of the entire constitution, detailing the many significant changes that have been made since its initial drafting. This treatment, along with a table of cases, index, and bibliography, provides an unsurpassed reference guide for students, scholars, and practitioners of Wisconsin's constitution. The second edition adds commentary on significant Wisconsin Supreme Court cases and a few appellate court cases decided after 1995 through 2018. It also adds several resources to the bibliography and covers 23 years of history, including several new constitutional amendments. Previously published by Greenwood, this title has been brought back into circulation by Oxford University Press with new verve. Reprinted with standardization of content organization in order to facilitate research across the series, this title, as with all titles in the series, is set to join the dynamic revision cycle of *The Oxford Commentaries on the State Constitutions of the United States*. The *Oxford Commentaries on the State Constitutions of the United States* is an important series that reflects a renewed international interest in constitutional history and provides expert insight into each of the 50 state constitutions. Each volume in this innovative series contains a historical overview of the state's constitutional development, a section-by-section analysis of its current constitution, and a comprehensive guide to further research. Under the expert editorship of Professor Lawrence Friedman of New England Law School, Boston, this series provides essential reference tools for understanding state constitutional law. Books in the series can be purchased individually or as part of a complete set, giving readers unmatched access to these important political documents.

Interpreting Florida's Constitution Patrick John McGinley, 2017-12-21 This law school casebook analyzes the Constitution of the State of Florida. It begins with the idea of a state being a laboratory of democracy where rights may be expanded or invented within the minimum requirements of the federal constitution. It explores the question of how a state constitution can produce its own jurisprudence in light of the supremacy of the United States Constitution. It outlines the canons of construction for the Florida Constitution. It introduces the concept that a state constitution can be a source of heightened civil liberties and fundamental rights. It explores this issue in greater detail by using the Florida Constitution as an example. It identifies Florida Constitutional rights without an exact parallel to those in the text of the US Constitution and asks whether Florida has taken its own path in interpreting or implementing the identified constitutional rights. It introduces rights enumerated in the text of the Florida Constitution that are not embodied in the text of the US Constitution. In so doing, it compares Florida's approach to those of other state constitutions. It addresses the familiar refrain that unlike the federal constitution, a state's constitution is a restriction upon power, not a grant of power. It looks at state constitutional criminal procedure by examining the ancient origin of the jury and the recent origin of Florida criminal procedure. Finally, it examines the US Supreme Court's acceptance of a state's inherent

police power and state by state differences in zoning and nuisance law so as to better understand how eminent domain and inverse condemnation may differ under state constitutions such as Florida's State and Local Politics David

Berman,1999-09-28 Politics at the state and local level has never been more interesting than in our devolutionary age This popular text is the most concise readable and current introduction to the field Now in its ninth edition the book keeps its focus on the varied and changing political and economic environments in which state and local governments function and their strengths and weaknesses in key areas of public policy The text is enlivened by boxed sections that relate individual experiences or highlight particular issues and developments Topics covered in this edition include the drive toward devolution in the federal system taxation and budgeting the death penalty tort reform and changing approaches to welfare education land use and waste management State Constitutions in the Federal System ,1989 **State Constitutions**

and Criminal Justice Barry Latzer,1991-10-30 The new Judicial Federalism is a significant development in American law more cases are being decided by state constitutions than ever before in history In this book Barry Latzer provides the most thorough treatment available of the criminal law aspects of the New Federalism His comprehensively researched and documented analysis of the state law movement covers all fifty states over the past two decades Drawing from both legal and political science perspectives Latzer examines recent court interpretations of state constitutions specifically those pertaining to the criminally accused He provides background on the development of the New Federalism details the relationship between the U S Supreme Court and state courts and analyzes all of the state constitutional provisions on the issues covered in the book This is an important resource for professionals and students of criminal justice and law and anyone concerned with the political ideological tension between federal and state courts *State Constitutions for the Twenty-first Century, Volume 2* Frank P. Grad,Robert F. Williams,2006-06-01 Identifies problems reformers face in drafting or amending state constitutions **State Constitutions of the United States** Robert Maddex,2005-09-23 Newly updated and reflecting the diversity of state policies and the issues that are important to them State Constitutions of the United States collects explains and offers comparison of each of the fifty state constitutions Its in depth explorations and easy to follow structure reveal individual state priorities the significance of state constitutions and their impact on issues that affect the day to day lives of citizens This major revision incorporates specific details and describes trends and patterns in state constitutions drawing on over 380 amendments passed since the first edition of this resource was published in 1998 These amendments address at the state level important issues that are also being debated on the national level such as freedom of religion Alabama tobacco Arizona death penalty Florida and same sex marriage in a number of states The new edition addresses all of these issues and more in well organized state by state chapters including a new chapter on Washington DC Beyond the extensive state by state coverage this resource provides further insights through supplemental materials including an overview of state constitutions comparative tables new rights such as privacy and victim's rights special provisions such as the environment

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The Spirit of the Constitution Robert A. Goldwin, Robert A. Licht, 1990 In the discussions in this volume distinguished jurists journalists and scholars strive to capture the unspoken principles of the Constitution its elusive but compelling spirit

The California State Constitution, 2016 The California Constitution is one of the longest in the world and has been revised over 500 times since its original drafting in 1849 In its current incarnation the constitution reflects the state s mistrust of elected officials gives cities and towns broad home rule powers and outlines governance for the state s university system The California State Constitution provides an outstanding constitutional and historical account of the state s basic governing charter In addition to an overview of California s constitutional history it offers an in depth section by section analysis of the entire constitution detailing the many significant changes that have been made since its initial drafting in 1849 This treatment along with a table of cases index and the bibliography provides an unsurpassed reference guide for students scholars and practitioners of California s constitution The second edition updates and expands the previous edition published in 1993 The book provides new analysis with citations to court decisions and relevant scholarly commentary as well as accompanying explanations and a lengthy introduction to provide historical and thematic context This new edition also contains a foreword by the current Chief Justice of California Tani Cantil Sakauye

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