

The Supreme Court and Constitutional Interpretation

WE, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

Section 1. ALL legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a Representative who shall not have attained to the age of twenty five years, and seven years shall be a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and electors shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual Enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of one year, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New-Hampshire shall be entitled to the same as Massachusetts, Rhode-Island and Providence Plantations, Connecticut, New-York, &c., New-Jersey four, Pennsylvania eight, Delaware six, Maryland six, Virginia ten, North-Carolina five, South-Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the Executive authority thereof shall fill the same with electors in all such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The term of the Senators of the first class shall be six years, of the second class at the expiration of the second year, of the third class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two-thirds of the members present.



Shan Sivalingam

UW Law School – Street Law

May 2007

Constitutional Interpretation Third Edit

**Steve Wilson, Stephen R. Wilson, Helen
Rutherford, Tony Storey, Natalie
Wortley**

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Constitutional Interpretation Sotirios A. Barber, James E. Fleming, 2007-06-27 Ronald Dworkin famously argued that fidelity in interpreting the Constitution as written calls for a fusion of constitutional law and moral philosophy Barber and Fleming take up that call arguing for a philosophic approach to constitutional interpretation In doing so they systematically critique the competing approaches textualism consensualism originalism structuralism doctrinalism minimalism and pragmatism that aim and claim to avoid a philosophic approach *Constitutional Interpretation The Basic Questions* illustrates that these approaches cannot avoid philosophic reflection and choice in interpreting the Constitution Barber and Fleming contend that fidelity in constitutional interpretation requires a fusion of philosophic and other approaches properly understood Within such a fusion interpreters would begin to think of text consensus intentions structures and doctrines not as alternatives to but as sites of philosophic reflection about the best understanding of our constitutional commitments *Constitutional Interpretation The Basic Questions* examines the fundamental inquiries that arise in interpreting constitutional law In doing so the authors survey the controversial and intriguing questions that have stirred constitutional debate in the United States for over two centuries such as how and for what ends should governmental institutions and powers be arranged what does the Constitution mean under general circumstances and how should it be interpreted during concrete controversies and finally how do we decide what our constitution means and who ultimately decides its meaning *Cases, Materials and Commentary on Administrative Law* S. H. Bailey, Brian L. Jones, Alastair R. Mowbray, 2005 Provides a set of commentaries on a contractual history of an oil or gas field from the initial formation of a consortium to bid on concessions to the abandonment of the facilities The book is accompanied by a disk containing precedents to accompany and illustrate the principles described *The Lobbying Manual* William V. Luneburg, Thomas M. Susman, 2005 Providing readers with a detailed map for compliance with all applicable laws this reference describes the dramatic changes brought about by the Lobbying Disclosure Act of 1995 and the considerable changes that have occurred since the last edition was published in 1998 **The New Lawyer, 3rd Edition** Nickolas James, Rachael Field, Jackson Walkden-Brown, 2023-10-23 The New Lawyer 3rd Edition has been updated to ensure that first year law students do not feel overwhelmed by the transition to law school This book addresses the law Threshold Learning Outcomes TLOs and outlines what students should know understand and be able to do at the conclusion of their first year of study *Constitutional Interpretation* Craig R. Ducat, 1983 One of the best known most comprehensive and widely read Constitutional Law textbooks published CONSTITUTIONAL INTERPRETATION is consistently updated to reflect current issues and cases relevant to students Offering a good balance between textual explanation and edited Court cases written in clear concise language the text remains the standard text for students and instructors alike *Religion-State Relations in the United States and Germany* Claudia E. Haupt, 2011-12-08 This comparative analysis of the constitutional law of religion state relations in the United States and Germany focuses on the

principle of state neutrality A strong emphasis on state neutrality a notoriously ambiguous concept is a shared feature in the constitutional jurisprudence of the US Supreme Court and the German Federal Constitutional Court but neutrality does not have the same meaning in both systems In Germany neutrality tends to indicate more distance between church and state whereas the opposite is the case in the United States Neutrality also has other meanings in both systems making straightforward comparison more difficult than it might seem Although the underlying trajectory of neutrality is different in both countries the discussion of neutrality breaks down into largely parallel themes By examining those themes in a comparative perspective the meaning of state neutrality in religion state relations can be delineated

English Legal System Steve Wilson, Stephen R. Wilson, Helen Rutherford, Tony Storey, Natalie Wortley, 2016 Clear complete and contextualized this guide to the English legal system provides the strongest foundation for students at the start of their studies Straightforward explanations of key topics are paired with learning features showcasing the law in its everyday context to give students a firm grasp on the fundamentals of the legal system

Distribution Law: Antitrust Principles & Practice, 3rd Edition Banks, 2019-09-17 The cornerstone reference on antitrust issues that arise from distribution arrangements Establish a sound manufacturer distributor relationship in full compliance with federal and state antitrust law understand enforcement factors and the effect of antitrust regulation on distributor behavior handle pricing vertical restraints exclusivity tying and refusal to deal For insightful analysis and practical guidance on the antitrust issues that arise from distribution arrangements turn to Theodore Banks With this unique resource you ll be able to prepare for or even prevent the antitrust based disputes that all too often mar the manufacturer distributor relationship Distribution Law Antitrust Principles and Practice Third Edition shows you how to Establish a sound manufacturer distributor relationship in full compliance with federal and state antitrust law Understand enforcement factors and the effect of antitrust regulation on distributor behavior Handle problems arising from such areas as pricing vertical restraints exclusivity tying and refusal to deal You will get factual analysis of virtually every significant distribution antitrust case You will find in depth practical analysis of such specific issues as lost profits predatory pricing market definition antitrust damages and judicial latitude in discovery Note Online subscriptions are for three month periods Previous Edition Distribution Law Antitrust Principles and Practice Second Edition ISBN 9780735502680

Statutory Interpretation Douglas Walton, Fabrizio Macagno, Giovanni Sartor, 2021-01-21 Combining pragmatics dialectics analytics and legal theory this work translates interpretative canons into patterns of natural argument

Public Law Andrew Le Sueur, Maurice Sunkin, Jo Eric Murkens, 2016 Public Law Text Cases and Materials explores how the law works in practice The key institutions legal principles and conventions that underpin the public law of the UK are brought to life through the inclusion of extracts from key sources which are explained and critiqued by the authors

The Challenge of Originalism Grant Huscroft, Bradley W. Miller, 2011-09-12 Originalism is a force to be reckoned with in constitutional interpretation At one time a monolithic theory of constitutional interpretation contemporary

originalism has developed into a sophisticated family of theories about how to interpret and reason with a constitution Contemporary originalists harness the resources of linguistic moral and political philosophy to propose methodologies for the interpretation of constitutional texts and provide reasons for fidelity to those texts The essays in this volume which includes contributions from the flag bearers of several competing schools of constitutional interpretation provides an introduction to the development of originalist thought showcases the great range of contemporary originalist constitutional scholarship and situates competing schools of thought in dialogue with each other They also make new contributions to the methodological and normative disputes between originalists and non originalists and among originalists themselves **Understanding**

Environmental Administration and Law, 3rd Edition Susan J. Buck,2013-03-05 Understanding Environmental Administration and Law provides an engaging introductory overview of environmental policy Author Susan J Buck explores the process through which policy is made the political environment in which it is applied and the statutory and case laws that are critical to working within the regulatory system This revised and expanded third edition adds case studies that help bring the subject to life and includes new material on the Bush Administration and its approach to administering environmental laws the continuing evolution of environmentalism and the changing role of environmental regulation in the United States the development and implementation of environmental agreements at the international level the impacts and implications of globalization Understanding Environmental Administration and Law provides a framework for understanding the law as a managerial tool **The Heritage Guide to the Constitution** Josh Blackman,John Malcolm,2025-10-14 A Neutral and

Thorough Accounting of the Constitution s Original Meaning Over the past two decades the federal judiciary has increasingly grounded its cases in the Constitution s original meaning Students scholars lawyers and judges are now expected to understand and apply the text history and tradition of the Constitution The Third Edition of The Heritage Guide to the Constitution will provide a comprehensive starting point to research these issues from before during and after the Constitution s adoption The Heritage Guide will provide all Americans with an authoritative and accessible introduction to our foundational charter The 216 essays in the Third Edition of The Heritage Guide were authored by more than 150 distinguished jurists scholars and practitioners Each essay was carefully reviewed to ensure they were of the highest quality and accuracy while maintaining a neutral approach This once a decade publication strives to be the definitive compendium about each provision of the Constitution White House Studies Compendium Robert W. Watson,2007 brings together

piercing analyses of the American presidency dealing with both current issues and historical events The compendia consists of the combined and rearranged issues of the journal White House Studies with the addition of a comprehensive subject index Preface How to Win Appeal Manual - 3rd Edition Ralph Adam Fine,2012-02-01 Ralph Adam Fine a Judge on the Wisconsin Court of Appeals since 1988 reveals how appellate judges all over the country in state and federal courts really decide cases and how you can use that knowledge to win your appeal In this lucid step by step manual Judge Fine explains

and demonstrates how to write effective and persuasive briefs that will get the appellate judges to want you to win The How To Win Appeal Manual 3rd Edition will give you a judge s eye view of the appellate process what works and why what destroys effective advocacy and how you can better represent your clients on appeal You cannot afford to take or defend another appeal before you read The How To Win Appeal Manual For the third edition all of the chapters have been revised and updated along with the addition of a new chapter on Oral Argument in the Real World Content Highlights How Judges Decide Cases and Why That is Important To You Too Many Cases What the Heavy Appellate Caseloads Mean to You and How You Can Get Your Briefs Noticed The Brief How to Give the Judges the Tools to Decide Your Way The Keys to Writing an Effective and Persuasive Brief Be Honest and Forthright How to Make the Bad Facts Work for You How to Write a Powerful and Persuasive Question Presented How to Pick Your Best Issues and Why This is Crucial How to Write a Powerful and Persuasive Statement of Facts That Will Make the Court Want You to Win How to Write a Powerful and Persuasive Summary of Argument How to Make the Statutes Relevant to Your Case Work For You How to Write a Forceful and Persuasive Argument How to Make the Statement of the Case Clear The Real Role of the Conclusion How the Appendix Can Help You Win Why You Should Always File a Reply Brief If You are the Appellant and How to Use it to Nail Down Your Win The Secrets of a Winning Oral Argument Standards of Review Dangers and Opportunities How to Make Them Tools for Victory How to Avoid the Black Hole of Waiver Why the Typical Appellate Brief is Suicidal and What you can do to Avoid Common but Deadly Traps How to Use Unpublished Decisions Advocacy in the Real World A Step by Step Analysis of Briefs in Two Real Cases A Civil Appeal and a Criminal Appeal Learn What Appellate Judges Like and What They Hate Practice Analyzing Issues to Come up with Winning Themes Practice Honing in on Your Most Powerful Points and How to Avoid the Traps that Snare Other Lawyers Practice Crafting a Winning Powerful Brief That Judges Will Love to Read

Law of Property Rights Protection, 3rd Edition Laitos, 2019-12-17 Law of Property Rights Protection Limitations on Governmental Powers Third Edition is a comprehensive up to date review of the on going battle between government s desire to regulate and limit private property use and property owners equally powerful desire to avoid economically damaging or unreasonable or unconstitutional limitations Federal state and local governments often wish to restrict or condition uses of private property while private property owners wish to avoid or seek compensation for such regulatory controls This battle between property and regulation is one of the most emotionally charged and fiercely contested issues in contemporary law An enormous amount of litigation at both the federal and state level has stemmed from questions surrounding the extent to which government may restrict or even prevent certain private property uses The relevant law is constantly changing and evolving so count on the Law of Property Right Protection to bring you completely up to date The book is organized according to the many ways that government powers over private property are limited by the federal and state constitutions the common law and equitable principles and has been cited by the United States Supreme Court federal courts and state appellate courts Law of Property

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behavior noting that the courts do not have sole interpretive power This principle is applied to such topics as the dynamic of key court rulings federalism war powers diplomacy government secrecy and the impact of the legal community on constitutional interpretation The book s contributors also turn renewed attention to the study of American institutions as the fountainhead of political analysis a movement in which Fisher has been a pioneer Fisher himself contributes a summative essay Contributors include David Gray Adler Dean Alfange Jr Neal Devins Louis Fisher Michael J Glennon Loch K Johnson Nancy Kassop and Robert J Spitzer

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