



CONSTITUTIONAL LAW AND POLITICS

VOLUME TWO

Civil Rights and Civil Liberties

EIGHTH EDITION

David M. O'Brien



Constitutional Law And Politics Civil Rights And Civil Liberties

Earl M. Maltz



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Introduction to and survey of the field of law and society Includes interdisciplinary perspectives on law from sociology criminology cultural anthropology political science social psychology and economics Constitutional Law, Administrative Law, and Human Rights Ian Loveland, 2012-05-17 Constitutional Law Administrative Law and Human Rights provides a unique cross disciplinary approach to the study of public law Engaging critical and stimulating it enables the reader to gain a thorough and fundamental appreciation of the law in its wider context **The Supreme Court and Juvenile Justice** Christopher P. Manfredi, 1998 Taking in a century of change this work focuses on how the Supreme Court brought the juvenile court system under constitutional control It describes the case of Gerald Gault an Arizona teenager who was sent to reform school for making an obscene phone call *Seeking Justices* Michael Comiskey, 2004 In the long shadows cast by the Robert Bork and Clarence Thomas nominations Supreme Court confirmations remain highly contentious and controversial This is due in part to the Senate s increasing reliance upon a much lengthier much more public and occasionally raucous confirmation process in an effort to curb the potential excesses of executive power created by presidents seeking greater control over the Court s ideological composition Michael Comiskey offers the most comprehensive systematic and optimistic analysis of that process to date Arguing that the process works well and therefore should not be significantly altered Comiskey convincingly counters those critics who view highly contentious confirmation proceedings as the norm Senators have every right and a real obligation he contends to scrutinize the nominees constitutional philosophies He further argues that the media coverage of the Senate s deliberations has worked to improve the level of such scrutiny and that recent presidents have neither exerted excessive influence on the appointment process nor created a politically extreme Court He also examines the ongoing concern over presidential efforts to pack the court concluding that stacking the ideological deck is unlikely As an exception to the rule Comiskey analyzes in depth the Thomas confirmation to explain why it was an aberration offering the most detailed account yet of Thomas s pre judicial professional and political activities He argues that the Senate Judiciary Committee abdicated its responsibilities out of deference to Thomas s race Another of the book s unique features is Comiskey s reassessment of the reputations of twentieth century Supreme Court justices Based on a survey of nearly 300 scholars in constitutional law and politics it shows that the modern confirmation process continues to fill Court vacancies with jurists as capable as those of earlier eras We have now seen the longest period without a turnover on the Court since the early nineteenth century making inevitable the appointment of several new justices following the 2004 presidential election Thus the timing of the publication of *Seeking Justices* could not be more propitious The Lanahan Readings in Civil Rights and Civil Liberties David M. O'Brien, 1999 Studyguide for Constitutional Law and Politics Cram101 Textbook Reviews, 2013-05 Never HIGHLIGHT a Book Again Includes all testable terms concepts persons places and events Cram101

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Constitutional Law and Politics David M. O'Brien, Gordon Silverstein, 2020 By selecting and organizing the most important cases of our nation's history David O'Brien and new coauthor Gordon Silverstein have managed to make a daunting course manageable for both students and teachers The inclusion of insightful headnotes and informative special features allows students to place individual cases and the Court itself in their larger context

Studies in Law, Politics and Society Austin Sarat, 2010-12-13 Contains articles that consider the ways in which history has shaped law and how we make sense of past events This volume also includes articles that explore pressing legal issues such as the prison boom First Amendment controversies and the work of cause lawyers It illustrates the vibrancy of interdisciplinary legal scholarship throughout

Animal Sacrifice and Religious Freedom David M. O'Brien, 2004 The Santeria religion of Cuba the Way of the Saints mixes West African Yoruba culture with Catholicism Similar to Haitian voodoo Santeria has long practiced animal sacrifice in certain rites But when Cuban immigrants brought those rituals to Florida local authorities were suddenly confronted with a controversial situation that pitted the regulation of public health and morality against religious freedom After Ernesto Pichardo established a Santeria church in Hialeah in the 1980s the city of Hialeah responded by passing ordinances banning ritual animal sacrifice Although on the surface those ordinances seemed general in intent they were clearly aimed at Pichardo's church When Pichardo subsequently sued the city a federal court ruled in the latter's favor in effect privileging the regulation of public health and morality over the church's free exercise of its religion The U.S. Supreme Court heard Pichardo's appeal in 1993 and unanimously decided that the city had overstepped its bounds in targeting this particular religious group however the court was sharply divided regarding the basis of its decision Three concurring opinions registered distinctly different views of the First Amendment the limits of government regulation and the religious freedom of minorities In the end the nine justices collectively concluded that freedom of religious belief was absolute while the freedom to practice the tenets of any faith were subject to non-discriminatory local regulations David O'Brien one of America's foremost scholars of the Court now illuminates this controversy and its significance for law government and religion in America His lively account takes us behind the scenes at every stage of the litigation to reveal a riveting case with more twists and turns than a classic whodunit Ranging with equal ease from primitive magic to municipal politics and to the most arcane points of constitutional law O'Brien weaves a compelling and instructive tale with a fascinating array of politicians lawyers jurists civil libertarians and animal rights advocates Offering sharp insights into the key issues and personalities he highlights cultural clashes large and small while maintaining a balance for both the needs of government and the religious rights of individuals The Santeria case reaffirmed that our laws must be generally applicable and neutral and may not discriminate against particular religions Tracing the path to that conclusion Animal Sacrifice and Religious Freedom

provides a provocative and learned account of one of the most unusual and contentious religious freedom cases in American history

Constitutional Politics in Canada and the United States Stephen L. Newman, 2012-02-01 The Canadian constitutional reforms of 1982 which included a Charter of Rights and Freedoms analogous to the American Bill of Rights brought about a convergence with American constitutional law As in the U S Canadian courts have shown themselves highly protective of individual rights and they have not been shy about assuming a leading and sometimes controversial political role in striking down legislation In clear and easy to understand language the contributors not only chart but also explore the reasons for areas of similarity and difference in the constitutional politics of Canada and the United States

The New College Course Map and Transcript Files Clifford Adelman, 1999 This report uses data from the National Longitudinal Study of the High School Class of 1972 and the High School trend data is included for the past two decades Finally Section 6 provides data concerning such issues as trends in grade inflation and which courses students fail at high rates The conclusion offers suggestions for further analysis of these data bases Contains 43 references DB

Constitutional Law of Canada Peter W. Hogg, 1992

Liberty, Property, and the Future of Constitutional Development Ellen Frankel Paul, Howard Dickman, 1990-01-01 This book is a discussion of current trends in the constitutional protection of economic liberties Since the mid 1930 s the Supreme Court has been reluctant to replace legislative judgements on matters of economic regulation with its own While the Court permits wide legislative experimentation in the economic realm it scrutinizes governmental attempts to regulate or abridge other civil liberties quite closely This state of affairs is known as the double standard The question of the appropriateness of this unequal treatment by the Court of these two classes of liberties generates much of the controversy in this volume Other topics dealt with include the current trends in and relevance of constitutional law for welfare rights labor unions and labor law Recent Supreme Court decisions on property rights also receive much attention

Law, Politics and the Judicial Process in Canada Frederick Lee Morton, 2002 Since the first edition of this popular textbook appeared in 1984 the Charter of Rights and Freedoms has transformed the role of the courts in Canadian politics The book introduces students to issues raised by the new political role of Canadian judges Law Politics and the Judicial Process in Canada features new introductions and new readings that deal with current issues in the realm of Canadian law and politics

Rethinking Constitutional Law Earl M. Maltz, 1994 Maltz reformulates the justification for originalist review and refines originalist theory itself he argues that a pure originalist approach mandates excessive judicial intervention under the Constitution and he shows that most nonoriginalist theorists have failed to provide a sufficient functional justification for nonoriginalist intervention

Country Reports on Human Rights Practices, 2009

The Indian Legal System Joseph Minattur, 1978

Rights in Divided Societies Colin Harvey, Alex Schwartz, 2012-07-20 This collection examines the role and value of rights in divided and post conflict societies approaching the subject from a comparative and theoretical perspective Societies emerging from violent conflict often opt for a bill of rights as part of a

wider package of constitutional reform Where conflict is fuelled by longstanding ethno national divisions these divisions are often addressed through group differentiated rights Recent constitutional settlements have highlighted the difficulties in drafting a bill of rights in divided post conflict societies where the aim of promoting unity is frequently in tension with the need to accommodate difference In such cases a bill of rights might be a rallying point around which both minorities and the majority can articulate a common vision for a shared society Conversely a bill of rights might provide merely another venue in which to play out familiar conflicts further dividing an already divided society The central questions that animate the collection are 1 Can constitutional rights provide a basis for unity and a common human rights culture in divided societies If so how 2 To what extent should divided societies opt for a universalistic package of rights protections or should the rights be tailored to the specific circumstances of a divided society providing for special group sensitive protections for minorities 3 Is a divided society more or less likely to adopt a bill of rights 4 How does the judiciary figure in the management or resolution of ethno national conflict 5 What are the general theoretical and philosophical issues at stake in a rights based approach to the management or resolution of ethno national divisions or other conflicts

Rot and Revival Anthony Michael Kreis, 2024-06-04 Rot and Revival is one of the first scholarly works to comprehensively theorize and document how politics make American constitutional law and how the courts affect the path of partisan politics Rejecting the idea that the Constitution's significance and interpretation can be divorced from contemporary political realities Anthony Michael Kreis explains how American constitutional law reflects the ideological commitments of dominant political coalitions the consequences of major public policy choices and the influences of intervening social movements Drawing on rich historical research and political science methodologies Kreis convincingly demonstrates that the courts have never been and cannot be institutions lying outside the currents of national politics

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