

CONSTITUTIONAL LAW OVERVIEW

by Professor Robert Pushaw

I. OVERVIEW OF CONSTITUTIONAL LAW I—GOVERNMENT STRUCTURE

A. ROLE OF FEDERAL COURTS IN INTERPRETING CONSTITUTION

Theme: Founders expected constitutional interpretation to be shared by all three branches. Over past 50 years, however, **Supreme Court has asserted it's the ultimate arbiter of the Constitution**, and that everyone (not merely the parties to a particular case) must follow its interpretation unless Court changes its mind (*Cooper*).

1. Ongoing Controversy

(A) Judicial Activism or Independence of the Judiciary?

Article III makes judges **independent**, especially so they can enforce **Constitution**, even when it's politically unpopular (e.g., allowing offensive free speech, like flag burning). But Framers intended federal courts to invalidate laws only when they "**clearly**" violated Constitution, like suspending habeas corpus when there's no emergency. Gradually, however, Court began to strike down laws that did **NOT** clearly contradict any constitutional provision, but rather with **Court's view** of the best interpretation of that provision. And because Court is independent of political process, and enjoys such prestige, it can create **new constitutional rights under the guise of interpretation**. Such activism can reflect either liberal or conservative ideology. So independence is a two-edged sword.

(B) States' Rights vs. National Uniformity

Supremacy Clause makes plain that **FEDERAL** law trumps **STATE** law when they conflict. Court is final word on federal constitutional law, which must be (1) **superior** to all other law, and (2) **uniform**, so that your rights don't vary depending on what state you're in.

Nonetheless, there's been a persistent notion of "**states' rights**"—states can act on own independent interpretation of Constitution. That's how Southern States justified **secession**, and you would think that this idea would have died after the Civil War. But it didn't (e.g., Southern States' resistance to desegregation). Even today, a **majority** of the Court assert that **federal law** (including the Constitution) generally should be construed **narrowly** to preserve state power—*Lopez* and *Morrison* are examples.

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Sleeping with a Wall Street Banker Marlene Morgan, 2013-09-05 *Sleeping With A Wall Street Banker* Psychological thriller Lawyer Alice Francis leaves her life in London for a new start with Wall Street banker Jake Logan in New York She learns quickly that Jake is a man consumed by his need to control He loves but on his own terms When Jakes ex girlfriend Jessica finds out about Jakes relationship with Alice Alices life takes a dark turn For all the trappings of success from a Wall Street career Jake is a man tormented by the irrational guilt he carries from his past relationship with Jessica Jessica is unmarried and childless with a biological clock that has all but stopped ticking and Jake is her back up plan Her ultimate goal is to fix Jakes life by blackmailing him in an effort to force him into a horrible relationship that was never meant to be When Alice enters the picture Jessicas plans are turned upside down Mentally unbalanced Jessica resorts to extreme measures If she cant have Jake no one will Subject Catalog Library of Congress, **BAR/BRI Digest**, 2004 **Books Out Loud**, 2004 *Barbri Bar Review* Peter Jan Honigsberg, 2004 Features summary of test strategies and skills sample drafting instructions examples of common legal forms practice tests and model answers *Criminal Law* Jonathan Neville, 2003
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The book delves into Constitutional Law Barbri. Constitutional Law Barbri is a vital topic that must be grasped by everyone, ranging from students and scholars to the general public. The book will furnish comprehensive and in-depth insights into Constitutional Law Barbri, encompassing both the fundamentals and more intricate discussions.

1. The book is structured into several chapters, namely:

- Chapter 1: Introduction to Constitutional Law Barbri
- Chapter 2: Essential Elements of Constitutional Law Barbri
- Chapter 3: Constitutional Law Barbri in Everyday Life
- Chapter 4: Constitutional Law Barbri in Specific Contexts
- Chapter 5: Conclusion

2. In chapter 1, the author will provide an overview of Constitutional Law Barbri. This chapter will explore what Constitutional Law Barbri is, why Constitutional Law Barbri is vital, and how to effectively learn about Constitutional Law Barbri.
3. In chapter 2, this book will delve into the foundational concepts of Constitutional Law Barbri. This chapter will elucidate the essential principles that need to be understood to grasp Constitutional Law Barbri in its entirety.
4. In chapter 3, the author will examine the practical applications of Constitutional Law Barbri in daily life. This chapter will showcase real-world examples of how Constitutional Law Barbri can be effectively utilized in everyday scenarios.
5. In chapter 4, the author will scrutinize the relevance of Constitutional Law Barbri in specific contexts. This chapter will explore how Constitutional Law Barbri is applied in specialized fields, such as education, business, and technology.
6. In chapter 5, the author will draw a conclusion about Constitutional Law Barbri. This chapter will summarize the key points that have been discussed throughout the book.

This book is crafted in an easy-to-understand language and is complemented by engaging illustrations. It is highly recommended for anyone seeking to gain a comprehensive understanding of Constitutional Law Barbri.

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