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Constitutional Deliberation In Congress Constitutional Deliberation In Congress

Sean Beienburg



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Constitutional Deliberation in Congress J. Mitchell Pickerill, 2004-05-17 Analyzes the impact of the Supreme Court's constitutional decisions and its judicial review of statutes on lawmaking in Congress **Congress and Constitutional Deliberation** J. Mitchell Pickerill, 2000 *Constitutional Law for a Changing America* Lee Epstein, Kevin T. McGuire, Thomas G. Walker, 2023-10-10 Excellent balance of case excerpts and author explanation highly appropriate for undergraduate students Dr Wendy Brame Briar Cliff University Political factors influence judicial decisions Arguments and input from lawyers and interest groups the ebb and flow of public opinion and especially the ideological and behavioral inclinations of the justices all combine to shape the development of constitutional doctrine Drawing from political science as much as from legal studies *Constitutional Law for a Changing America A Short Course* helps students realize that Supreme Court cases are more than just legal names and citations With meticulous revising the authors streamline material while accounting for recent landmark cases and new scholarship Ideal for a one semester course the Ninth Edition of *A Short Course* offers all the hallmarks of the Rights and Powers volumes also included in the *Constitutional Law for a Changing America* series in a more condensed format Included with this title LMS Cartridge Import this title's instructor resources into your school's learning management system LMS and save time Don't use an LMS You can still access all of the same online resources for this title via the password protected Instructor Resource Site **Congressional Representation & Constituents** Brian Frederick, 2009-12-04 The U.S. House of Representatives has been frozen at 435 members for almost a century and in that time the nation's population has grown by more than 200 percent With the number of citizens represented by each House member now dramatically larger is a major consequence of this historical disparity a diminished quality of representation Brian Frederick uses empirical data to scrutinize whether representation has been undermined by keeping a ceiling on the number of seats available in the House He examines the influence of constituency size on several metrics of representation including estimating the effects on electoral competition policy responsiveness and citizen contact with and approval of their representatives and argues that now is the time for the House to be increased in order to better represent a rapidly growing country Defending Congress and the Constitution Louis Fisher, 2011-09-07 The culmination of four decades of research and service on behalf of Congress Louis Fisher's latest work is a fitting capstone to a remarkable career as scholar and writer and presents his most articulate passionate and persuasive defense yet of Congress as an institution Our nation's leading authority on the separation of powers Fisher offers a lucid primer on our nation's government and its executive legislative and judicial branches while vigorously advocating a robust reassertion of Congress's rightful role within that system Drawing on a wide range of legislation Supreme Court rulings and presidential decisions Fisher illuminates the contentious contest among the three major branches for power and control of government presents a panorama of American history and touches on issues as wide ranging as federalism religious freedom and national security policy Fisher is especially critical of the

stereotypical view of the Supreme Court's decisions as possessing a kind of effectiveness and absolute finality that transcends the efforts and powers of Congress. Indeed, he argues that Congress, as much or more than the judiciary, has had a major positive impact on protecting individual rights in this country, while the judiciary has fallen short in such areas as child labor regulation and compulsory flag salute, or has attempted to settle a constitutional issue only to have it fester for years, breeding anger and resentment until the political process forces the courts to rethink their views. He highlights legislative accomplishments in many areas, often in the face of judicial opposition and obstruction, but also chides Congress for not protecting its key prerogatives over the power of the purse and going to war. In yielding to other branches, Fishers warns, lawmakers fail to represent their constituents and cripple the very system of checks and balances the Framers counted on to limit the destructive capacity of government. His book offers a wealth of forceful insights and provides an important reminder of and guide to how our government should really work.

Mechanisms of Democracy Adrian Vermeule, 2007-07-24

What institutional arrangements should a well-functioning constitutional democracy have? Most of the relevant literatures in law, political science, political theory, and economics address this question by discussing institutional design. In this book, Adrian Vermeule moves beyond these debates, changing the focus to institutional design. In established constitutional politics, Vermeule argues, law can and should, and to some extent already does, provide mechanisms of democracy: a repertoire of small-scale institutional devices and innovations that can have surprisingly large effects promoting democratic values of impartiality, accountability, and deliberative government. Examples include legal rules that promote impartiality by depriving officials of the information they need to act in self-interested ways; voting rules that create the right kind and amount of accountability for political officials and judges; and legislative rules that structure deliberation in part by adjusting the conditions under which deliberation occurs transparently or instead secretly. Drawing upon a range of social science tools from economics, political science, and other disciplines, Vermeule carefully describes the mechanisms of democracy and indicates the conditions under which they can succeed.

Progressive States' Rights Sean Beienburg, 2024-03-29

Today, when politicians, pundits, and scholars speak of states' rights, they are usually referring to Southern efforts to curtail the advance of civil rights policies or to conservative opposition to the federal government under the New Deal. Great Society and Warren Court. Sean Beienburg shows that this was not always the case and that there was once a time when federalism—the form of government that divides powers between the state and federal governments—was associated with progressive rather than conservative politics. In *Progressive States' Rights*, Sean Beienburg tells an alternative story of federalism by exploring states' efforts in the years before the New Deal of shaping constitutional discourse to ensure that a protective welfare and regulatory governmental regime would be built in the states rather than the national government. These state-level actors not only aggressively participated in constitutional politics and interpretation but also specifically sought to create an alternative model of state building that would pair a robust state power on behalf of the

public good with a traditionally limited national government Current politics generally collapse policy and constitutional views where a progressive view on one policy also assumes a progressive view on the other but Beienburg shows that this was not always true and indeed many of those most devoted to progressive policy views were deeply committed to a conservative constitutionalism

Commander in Chief Casey B. K. Dominguez, 2024-05-24 The constitutional balance of war powers has shifted from Congress to the president over time Today presidents broadly define their constitutional authority as commander in chief In the nineteenth century however Congress was the institution that claimed and defended expansive war power authority This discrepancy raises important questions How specifically did Congress define the boundaries between presidential and congressional war powers in the early republic Did that definition change and if so when how and why did it do so Based on an original comprehensive dataset of every congressional reference to the commander in chief clause from the Founding through 1917 Casey Dominguez's Commander in Chief systematically analyzes the authority that members of Congress ascribe to the president as commander in chief and the boundaries they put around that authority Dominguez shows that for more than a century members of Congress defined the commander in chief's authority narrowly similar to that of any high ranking military officer But in a wave of nationalism during the Spanish American War members of Congress began to argue that Congress owed deference to the commander in chief They also tended to argue that a president of their own party should have broad war powers while the powers of a president in the other party should be defined narrowly Together these two dynamics suggest that the conditions for presidentially dominated modern constitutional war powers were set at the turn of the twentieth century far earlier than is often acknowledged

The Most Democratic Branch Jeffrey Rosen, 2006-06-19 Looks at some of the most important Supreme Court cases in history and contends that the Supreme Court is most successful when it defers to the constitutional views of the American people

Constitutional Dysfunction on Trial Jasmine Farrier, 2019-12-15 In an original assessment of all three branches Jasmine Farrier reveals a new way in which the American federal system is broken Turning away from the partisan narratives of everyday politics Constitutional Dysfunction on Trial diagnoses the deeper and bipartisan nature of imbalance of power that undermines public deliberation and accountability especially on war powers By focusing on the lawsuits brought by Congressional members that challenge presidential unilateralism Farrier provides a new diagnostic lens on the permanent institutional problems that have undermined the separation of powers system in the last five decades across a diverse array of partisan and policy landscapes As each chapter demonstrates member lawsuits are an outlet for frustrated members of both parties who cannot get their House and Senate colleagues to confront overweening presidential action through normal legislative processes But these lawsuits often backfire leaving Congress as an institution even more disadvantaged Jasmine Farrier argues these suits are more symptoms of constitutional dysfunction than the cure Constitutional Dysfunction on Trial shows federal judges will not and cannot restore the separation of powers system alone Fifty years of congressional atrophy

cannot be reversed in court

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