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A Constitutional History of Habeas Corpus William F. Duker,1980-11-21

The Death Penalty Scott Vollum,Rolando V. del Carmen,Durant Frantzen,Claudia San Miguel,Kelly Cheeseman,2014-05-16 The Death Penalty, Third Edition, brings together all the legal issues related to the death penalty and provides case briefs for the most important United States Supreme Court death penalty cases. No other book available brings together a discussion of the major constitutional issues surrounding the death penalty with a broad array of associated case briefs. The authors classify cases according to legal issues and provide a commentary on the various sub-topics, presenting legal materials in an easily understood form. Though the primary audiences of the book are undergraduates in criminal justice programs and practitioners in the corrections and justice systems, the book will also prove useful to anyone who has an interest in the death penalty, the criminal justice system, or the United States Constitution. Every chapter starts with commentaries regarding general case law in a sub-topic, such as aggravating and mitigating factors, followed by a chart of the cases briefed in the chapter, and then the case briefs. These case briefs acquaint the reader with Supreme Court cases by summarizing facts, issues, reasons, and holdings. The Death Penalty, Third Edition , is a succinct, trusted guide to the law of capital punishment in the United States.

The Body and the State Cary Federman,2012-02-01 Traces the history of the writ of habeas corpus and its influence on federal-state relations.

Unstable Constitutionalism Mark Tushnet,Madhav Khosla,2015-09-17 This book examines constitutional law and practice in five South Asian countries: India, Pakistan, Sri Lanka, Nepal, and Bangladesh.

Rule of Law, Common Values, and Illiberal Constitutionalism Tímea Drinóczi,Agnieszka Bień-Kacała,2020-09-08 This book challenges the idea that the Rule of Law is still a universal European value given its relatively rapid deterioration in Hungary and Poland, and the apparent inability of the European institutions to adequately address the illiberalization of these Member States. The book begins from the general presumption that the Rule of Law, since its emergence, has been a universal European value, a political ideal and legal conception. It also acknowledges that the EU has been struggling in the area of value enforcement, even if the necessary mechanisms are available and, given an innovative outlook and more political commitment, could be successfully used. The authors appreciate the different approaches toward the Rule of Law, both as a concept and as a measurable indicator, and while addressing the core question of the volume, widely rely on them. Ultimately, the book provides a snapshot of how the Rule of Law ideal has been dismantled and offers a theory of the Rule of Law in illiberal constitutionalism. It discusses why voters keep illiberal populist leaders in power when they are undeniably acting contrary to the Rule of Law ideal. The book will be of interest to academics and researchers engaged with the foundational questions of constitutionalism. The structure and nature of the subject matter covered ensure that the book will be a useful addition for comparative and national constitutional law classes. It will also appeal to legal practitioners wondering about the boundaries of the Rule of Law.

The International Jew Henry Ford,1920

Constitutional Deliberation in Congress J. Mitchell Pickerill,2004-05-17 In *Constitutional Deliberation in Congress* J. Mitchell Pickerill analyzes the impact of the Supreme Court's constitutional decisions on Congressional debates and statutory language. Based on a thorough examination of how Congress responds to key Court rulings and strategizes in anticipation of them, Pickerill argues that judicial review—or the possibility of it—encourages Congressional attention to constitutional issues. Revealing critical aspects of how laws are made, revised, and refined within the separated system of government of the United States, he makes an important contribution to “constitutionalism outside the courts” debates. Pickerill combines legislative histories, extensive empirical findings, and interviews with current and former members of Congress, congressional staff, and others. He examines data related to all of the federal legislation struck down by the Supreme Court from the beginning of the Warren Court in 1953 through the 1996-97 term of the Rehnquist Court. By looking at the legislative histories of Congressional acts that invoked the Commerce Clause and presented Tenth Amendment conflicts—such as the Child Labor Act (1916), the Civil Rights Act (1965), the Gun-Free School Zones Act (1990), and the Brady Bill (1994)—Pickerill illuminates how Congressional deliberation over newly proposed legislation is shaped by the possibility of judicial review. The Court's invalidation of the Gun-Free School Zones Act in its 1995 ruling *United States v. Lopez* signaled an increased judicial activism regarding issues of federalism. Pickerill examines that case and compares congressional debate over constitutional issues in key pieces of legislation that preceded and followed it: the Violence Against Women Act of 1994 and the Hate Crimes Prevention Act of 1997. He shows that Congressional attention to federalism increased in the 1990s along with the Court's greater scrutiny.

Statutory Default Rules Einer Elhauge,2008-02-28 Most new law is statutory law; that is, law enacted by legislators. An important question, therefore, is how should this law be interpreted by courts and agencies, especially when the text of a statute is not entirely clear. There is a great deal of scholarly literature on the rules and legal materials courts should use in interpreting statutes. This book takes a fresh approach by focusing instead on what judges should do once the legal materials fail to resolve the interpretive question. It challenges the common assumption that in such cases judges should exercise interstitial lawmaking power. Instead, it argues that--wherever one believes the interpretive inquiry has failed to resolve the statutory meaning--judges can and should use statutory default rules that are designed to maximize the satisfaction of enactable political preferences; that is, the political preferences of the polity that are shared among enough elected officials that they could and would be enacted into law if the issue were on the legislative agenda. These default rules explain many recent high-profile cases, including the Guantanamo detainees case, the sentencing guidelines case, the decision denying the FDA authority to regulate cigarettes, and the case that refused to allow the attorney general to criminalize drugs used in physician-assisted suicide.

Why Terrorism Works Alan M. Dershowitz,2008-10-01

The greatest danger facing the world today, says Alan M. Dershowitz, comes from religiously inspired, state sponsored terrorist groups that seek to develop weapons of mass destruction for use against civilian targets. In his newest book, Dershowitz argues passionately and persuasively that global terrorism is a phenomenon largely of our own making and that we must and can take steps to reduce the frequency and severity of terrorist acts. Analyzing recent acts of terrorism and our reaction to them, Dershowitz explains that terrorism is successful when the international community gives in to the demands of terrorists—or even tries to understand and eliminate the “root causes” of terrorism. He discusses extreme approaches to wiping out international terrorism that would work if we were not constrained by legal, moral, and humanitarian considerations. And then, given that we do operate under such constraints, he offers a series of proposals that would effectively reduce the frequency and severity of international terrorism by striking a balance between security and liberty.

Confessions of Guilt George C. Thomas III,Richard A. Leo,2012-04-13 How did the United States, a nation known for protecting the right to remain silent become notorious for condoning and using controversial tactics like water boarding and extraordinary rendition to extract information? What forces determine the laws that define acceptable interrogation techniques and how do they shift so quickly from one extreme to another? In *Confessions of Guilt*, esteemed scholars George C. Thomas III and Richard A. Leo tell the story of how, over the centuries, the law of interrogation has moved from indifference about extreme force to concern over the slightest pressure, and back again. The history of interrogation in the Anglo-American world, they reveal, has been a swinging pendulum rather than a gradual continuum of violence. Exploring a realist explanation of this pattern, Thomas and Leo demonstrate that the law of interrogation and the process of its enforcement are both inherently unstable and highly dependent on the perceived

levels of threat felt by a society. Laws react to fear, they argue, and none more so than those that govern the treatment of suspected criminals. From England of the late eighteenth century to America at the dawn of the twenty-first, *Confessions of Guilt* traces the disturbing yet fascinating history of interrogation practices, new and old, and the laws that govern them. Thomas and Leo expertly explain the social dynamics that underpin the continual transformation of interrogation law and practice and look critically forward to what their future might hold.

Extraterritorial Use of Force Against Non-State Actors Noam Lubell, 2010-05-27 This book analyses the primary relevant rules of international law applicable to extra-territorial use of force by states against non-state actors. Force in this context takes many forms, ranging from targeted killings and abductions of individuals to large-scale military operations amounting to armed conflict. Actions of this type have occurred in what has become known as the 'war on terror', but are not limited to this context. Three frameworks of international law are examined in detail. These are the United Nations Charter and framework of international law regulating the resort to force in the territory of other states; the law of armed conflict, often referred to as international humanitarian law; and the law enforcement framework found in international human rights law. The book examines the applicability of these frameworks to extra-territorial forcible measures against non-state actors, and analyses the difficulties and challenges presented by application of the rules to these measures. The issues covered include, among others: the possibility of self-defence against non-state actors, including anticipatory self-defence; the lawfulness of measures which do not conform to the parameters of self-defence; the classification of extra-territorial force against non-state actors as armed conflict; the 'war on terror' as an armed conflict; the laws of armed conflict regulating force against groups and individuals; the extra-territorial applicability of international human rights law; and the regulation of forcible measures under human rights law. Many of these issues are the subject of ongoing and longstanding debate. The focus in this work is on the particular challenges raised by extra-territorial force against non-state actors and the book offers a number of solutions to these challenges.

A Republic of Statutes William N. Eskridge (Jr.), John A. Ferejohn, 2010-01-01 William Eskridge and John Ferejohn propose an original theory of constitutional law whereby, while the Constitution provides a vision, our democracy advances by means of statutes that supplement or even supplant the written Constitution.

At the Margins George C. Edwards, 1989-01-01 In this book George Edwards seeks a deeper understanding of the relationship between the president and Congress, exploring how and under what conditions presidents lead Congress, what we can reasonably expect of them, and how we should evaluate their performance. He makes a persuasive case for his thesis that presidential leadership of Congress is typically at the margins, not the core, of policymaking. Edwards focuses on three important resources for presidential leadership: party, public opinion, and legislative skills. For each source of influence he analyzes the president's strategic position, the theoretical potential of the resource as an instrument of leadership. He then examines presidents' attempts to employ each resource to obtain support in Congress, showing that they are rarely able to expand their resource base or manipulate their resources reliably. Integrating quantitative analysis with documentary and historical research, Edwards argues that the effective leader is not the dominant chief executive of political folklore who restructures the contours of the political landscape to pave the way for change but is rather a facilitator who works at the margins of coalition building to exploit opportunities presented by a favorable configuration of political forces in his environment. Presidents are not by themselves going to bring about major changes in public policy, says Edwards, and we must adjust accordingly our expectations of their leadership. The implications of his book are broad, and his findings are an important corrective for those who personalize politics and attribute more influence to a single person or strategy than is usually merited.

Popular Sovereignty and the Crisis of German Constitutional Law Peter C. Caldwell, 1997 A path-breaking critical analysis of the meaning and interpretation of the German constitution in the Weimar years (1919-1933).

The Torture Debate in America Karen J. Greenberg, 2005-11-21 As a result of the work assembling the documents, memoranda, and reports that constitute the material in *The Torture Papers* the question of the rationale behind the Bush administration's decision to condone the use of coercive interrogation techniques in the interrogation of detainees suspected of terrorist connections was raised. The condoned use of torture in any society is questionable but its use by the United States, a liberal democracy that champions human rights and is a party to international conventions forbidding torture, has sparked an intense debate within America. *The Torture Debate in America* captures these arguments with essays from individuals in different disciplines. This volume is divided into two sections with essays covering all sides of the argument from those who embrace absolute prohibition of torture to those who see it as a viable option in the war on terror and with documents complementing the essays.

Legal Imperialism James A. Gardner, 1980

The Torture Papers Karen J. Greenberg, Joshua L. Dratel, 2005-01-03 Documents US Government attempts to justify torture techniques and coercive interrogation practices in ongoing hostilities.

Globalizing Transitional Justice Ruti G. Teitel, 2015-12 Among the most prominent and significant political and legal developments since the end of the Cold War is the proliferation of mechanisms for addressing the complex challenges of transition from authoritarian rule to human rights-based democratic constitutionalism, particularly with regards to the demands for accountability in relation to conflicts and abuses of the past. Ruti G. Teitel provides a collection of her own essays that embody her evolving reflections on the practice and discourse of transitional justice.

The Constitution in Congress David P. Currie, 1997-05-15 Thus the First Congress left us a rich legacy of arguments over the meaning of a variety of constitutional provisions, and the quality of those arguments was impressively high.

A Common Indian Man Shashi Patel, 2021-11-08

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Table of Contents Habeascorp.htm

1. Understanding the eBook Habeascorp.htm
 - The Rise of Digital Reading Habeascorp.htm
 - Advantages of eBooks Over Traditional Books

- 2. Identifying Habeascorp.htm
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
- 3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Habeascorp.htm
 - User-Friendly Interface
- 4. Exploring eBook Recommendations from Habeascorp.htm
 - Personalized Recommendations
 - Habeascorp.htm User Reviews and Ratings
 - Habeascorp.htm and Bestseller Lists
- 5. Accessing Habeascorp.htm Free and Paid eBooks
 - Habeascorp.htm Public Domain eBooks
 - Habeascorp.htm eBook Subscription Services
 - Habeascorp.htm Budget-Friendly Options
- 6. Navigating Habeascorp.htm eBook Formats
 - ePub, PDF, MOBI, and More
 - Habeascorp.htm Compatibility with Devices
 - Habeascorp.htm Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Habeascorp.htm
 - Highlighting and Note-Taking Habeascorp.htm
 - Interactive Elements Habeascorp.htm
- 8. Staying Engaged with Habeascorp.htm
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Habeascorp.htm
- 9. Balancing eBooks and Physical Books Habeascorp.htm
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Habeascorp.htm
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Habeascorp.htm
 - Setting Reading Goals Habeascorp.htm
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Habeascorp.htm
 - Fact-Checking eBook Content of Habeascorp.htm
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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