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# SUBNATIONAL CONSTITUTIONAL CHRONICLE



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## IACFS MEETING FOCUSES ON RESPONSES TO THE GLOBAL ECONOMIC CRISIS

The Center for State Constitutional Studies, together with the Meyner Center for the Study of State and Local Government at Lafayette College, is hosting the annual meeting of the International Association of Centers for Federal Studies (IACFS). The Research Group on Comparative Federalism and Federation of the International Political Science Association will meet jointly with the IACFS. Sessions for the meeting, which is scheduled for September 16-18, will be held both in Philadelphia and on the Camden campus of Rutgers University. The theme for the conference is "Federalism and the Global Financial Crisis: Impacts and Responses," and it is expected that the papers presented at the conference will subsequently be published as a book. The

meeting will include panels focusing on responses by federations from around the world, with papers addressing the responses of Argentina, Australia, Canada, the European Union, Germany, India, Italy, Nigeria, South Africa, Spain, and the United States.

Attendance at this conference is limited to representatives of member centers of the IACFS and to members of the Research Group on Comparative Federalism and Federation. However, the papers for this meeting will be posted on the conference web site, which is currently under construction. When the site becomes operational, a link to it will be available through the web site of the Center for State Constitutional Studies.

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## NEWSLETTER BY E-MAIL?

If you would prefer to receive the Center newsletter by e-mail, please send your e-mail address to [cscs@camden.rutgers.edu](mailto:cscs@camden.rutgers.edu). If you know other people who

might wish to receive the newsletter electronically, please also forward their e-mail addresses to the Center.

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## OXFORD UNIVERSITY PRESS ACQUIRES CENTER BOOK SERIES

In March, 2010, Oxford University Press announced the acquisition of "State Constitutions of the United States," a series edited by Alan Tarr, Director of the Center for State Constitutional Studies, that provides commentary and analysis on the constitutions of each of the 50 states. In 1990, Greenwood Press began the series of monographs, and thus far, 45 have been published, with a volume on the Massachusetts Constitution due for release in December 2010. It is expected that the remaining volumes

in the series will be published in the next two years and that updated versions of existing volumes may also be prepared. According to Peter Berkery, VP/Publisher of the US Law Division of Oxford University Press, "we look forward to exposing the content to additional distribution channels and making it available to customers electronically in the near future." Further details should be available shortly on how the contents of these monographs will be integrated into OUP's law online products.

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Web site: [www-camlaw.rutgers.edu/statecon/](http://www-camlaw.rutgers.edu/statecon/)

## SUBNATIONAL CONSTITUTIONAL NEWS

ALABAMA: The Convention of the Episcopal Diocese of the Central Gulf Coast has adopted a Resolution calling for support of a constitutional convention for Alabama. The Diocese states that, “The 1901 Alabama Constitution, by its character, has created legal circumstances that affront the principles of Christian teaching.” In taking this step, the Convention joined various other groups that have also called for a convention, including the United Methodist Church in 2003, the Baldwin County Bar Association in 2006, the Baldwin County Education Association in 2006, the Birmingham Bar Association in 2006, the Shelby County Bar Association in 2006, the Episcopal Diocese of Alabama in 2007, and the Community Foundation of Northeast Alabama in 2009.

MEXICO: The issue of abortion has emerged as an important state constitutional issue in Mexico. State law governs abortion, and until 2007 all states outlawed abortion at any stage, with exceptions when a pregnancy was the result of rape, involved fetal defects, or might endanger the life of the mother. In 2007, Mexico City decriminalized first-trimester abortion, and in 2008 the Supreme Court ruled that the law did not violate the federal constitution. In the aftermath of the ruling, more than half of Mexico’s 31 states have amended their constitutions to outlaw abortion. Pro-choice forces argue that these state provisions violate international human rights treaties to which Mexico

is a party. If this is true, these provisions would be invalid, because under Article 133 of the federal constitution, all such treaties are the supreme law of the land, and “the judges of each State shall conform to the said Constitution, the laws, and treaties, in spite of any contradictory provisions that may appear in the constitutions or laws of the States.”

MONTANA: In November, 2010, voters in Montana will decide on whether to call a constitutional convention. To help inform them in making this decision, the University of Montana Law School will host the Honorable James R. Browning Symposium on the Montana Constitution. The symposium, which will be held on October 7-8, 2010, in the University’s Center Theater, will address the factors that led to the calling of the state’s 1972 constitutional convention and the advantages and disadvantages of changing the constitution via convention versus through the initiative and amendment processes. It will also address substantive aspects of the Montana Constitution, including the Bill of Rights provisions, the tax and revenue provisions, the Clean and Healthful Environment provision, and the Indian Education provision. For further information, consult the web site of the University of Montana Law School at: [www.umt.edu/LAW/](http://www.umt.edu/LAW/).

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## CENTER SHORTS

In February, 2010, Alan Tarr, Director of the Center for State Constitutional Studies, testified before the New Jersey General Assembly as to the effects on New Jersey elections law of the U.S. Supreme Court’s decision in *Citizens United v. Federal Elections Commission*. A printed version of his testimony is available on the web site of the Center for State Constitutional Studies.

In March, 2010, Tarr directed a conference examining the debates in antebellum state constitutional conventions, sponsored by the Liberty Fund. Participants focused on the debates in the constitutional conventions in Massachusetts, New York, and Virginia during the 1820s, collected in Merrill Peterson’s *Democracy, Liberty and Property: The State Constitutional Conventions of the 1820s*. The Liberty Fund will reissue the book in August, 2010, with a new introduction by Alan Tarr.

In April, 2010, Tarr delivered a paper on “Debating State Judicial Selection and Tenure: An Historical Inquiry” at the 2010 annual meeting of the Midwest Political Science Association.

In April, 2010, Tarr testified before the Pennsylvania House Majority Policy Committee on whether the state should move to a unicameral legislature.

In May-June, 2010, Tarr served as Visiting Professor at Institute for Studies on Federalism and Regionalism at the European Academy of Bozen/Bolzano. As part of his responsibilities, he delivered a public lecture on the global economic crisis and American federalism, as well as lectures on subnational constitutions at the University of Innsbruck and at the University of Turin.

In June, 2010, Tarr, as a follow-up to the translation of his book, *Understanding State Constitutions* into Spanish, gave lectures on American state constitutions at the Institut d’Estudis Autonòmics in Barcelona and for the Fundación Manuel Giménez Abad in Zaragoza.

## STATE CONSTITUTIONAL LECTURE

On February 1, 2010, Professor Christian Fritz of the University of New Mexico delivered the 22nd annual State Constitutional Lecture, entitled “Out from Under the Shadow of the Federal Constitution: An Overlooked American Constitutionalism.” His lecture highlighted the distinction between “constitutional questions,” which relate to the interpretation of existing constitutions, and

“questions of constitutionalism,” which relate to principles, such as popular sovereignty, that underlie existing constitutions. Professor Fritz will contribute an article elaborating his lecture, which shall serve as the foreword for the 2010 State Constitutional Law issue of the *Rutgers Law Journal*.

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## STATE CONSTITUTIONAL ISSUE

The 2010 State Constitutional Issue of the *Rutgers Law Journal* will be published shortly. It includes the following articles:

Vikram David Amar, “California Constitutional Conundrums--State Constitutional Quirks Exposed by the Same-Sex Marriage Experience.”

Justin R. Long, “Are State Constitutions Un-American?”

G. Alan Tarr, “Subnational Constitutions and Minority Rights: A Perspective on Canadian Provincial Constitutionalism.”

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## RECENT AND FORTHCOMING PUBLICATIONS

Agranoff, Robert. *Local Governments and their Intergovernmental Networks in Federalizing Spain*. Montreal: McGill-Queen’s University Press, 2010.

Dippel, Horst. *Constitutional Documents of the United States of America, 1776-1860*, 7 vols., Berlin and New York: de Gruyter, 2006-2009.

Documentary History of the Ratification of the Montana Constitution, available at: <http://www.umt.edu/law/library/Research%20Tools/State%20Pages/MontanaConstitution/default.htm>.

Holland, Randy J., Stephen R. McAllister, Jeffery M. Shaman, and Jeffrey R. Sutton. *State Constitutional Law: The Modern Experience*. St. Paul: West, 2010.

Regassa, Tsegaye, ed. *Issues of Federalism in Ethiopia: Towards an Inventory*. Addis Ababa: Addis Ababa University Press, 2009.

Rossum, Ralph A., and G. Alan Tarr. *American Constitutional Law*, 8th ed. Boulder, CO: Westview Press, 2010.

State Court Docket Watch, at: <http://www.fed-soc.org/publications/id.164/default.asp>.

Tarr, G. Alan. “Do Retention Elections Work?” *Missouri Law Review* 74 (2009).

Tarr, G. Alan. *Judicial Process and Judicial Policymaking*, 5th ed. Boston: Wadsworth, 2010.

Tarr, G. Alan. “New Directions in State Court Research,” *Justice System Journal* 30 (2010).

Williams, Robert F. *The Law of American State Constitutions*. New York: Oxford University Press, 2009.

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## SUPPORT FOR THE CENTER FOR STATE CONSTITUTIONAL STUDIES

The Rutgers Center for State Constitutional Studies is seeking funding to support its service, research and education programs, as well as Center operations. Although the Center gratefully acknowledges the generous support it has received from Rutgers University, from private foundations, and from agencies of state government, this funding does not fully meet the costs of maintaining and expanding the Center’s activities.

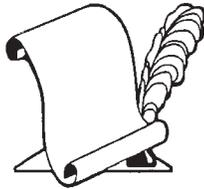
Through the Rutgers University Foundation, the Center is seeking contributions from the community as

well as from corporations and foundations. Individuals may give gifts in the form of stock, bequests, and in-kind donations, in addition to traditional monetary contributions. Development Officers at the Rutgers University Foundation are available to discuss different types of contributions and associated tax benefits.

If you are interested in making a contribution to the Center for State Constitutional Studies, please contact the Development Office at 856-225-6324 for more information.

## **KEEPING INFORMED & INFORMING OTHERS**

The Center welcomes information about constitutional developments within your state or subnational unit and publications relating to subnational constitutions or federalism. The Center is eager to publish such information, space permitting, so as to make it available to a broader audience. Send such information also to: [cscs@camden.rutgers.edu](mailto:cscs@camden.rutgers.edu).



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