
SUBNATIONAL CONSTITUTIONAL CHRONICLE



Published by the Center for State Constitutional Studies
Rutgers University, Camden
Dr. G. Alan Tarr, Director



Volume 14, No. 2

Summer, 2012

CENTER ANNOUNCES MAJOR PUBLICATIONS

Center scholars will publish four major volumes on state and sub-national constitutionalism during 2012. These books include:

Burgess, Michael, and G. Alan Tarr, eds. *Constitutional Dynamics in Federal Systems: Sub-national Perspectives*. Montreal: McGill-Queen's University Press, 2012. This volume, which arose out of a conference sponsored by the Center for State Constitutional Studies and the Centre for Federal Studies at the University of Kent (U.K.), highlights the influence of subnational constitutions on constitutional development in federal systems, quasi-federal systems, and the European Union.

Mazzei, Peter J., and Robert F. Williams. *Traces of Their Labors: The Constitutional Commission, the Legislature, and Their Influence on the New Jersey Constitution, 1873-1875*. Trenton, NJ: Office of Legislative Services, 2012. This compre-

hensive study of the state's constitutional reforms of 1873-1875 is currently available on the Center website: <http://camlaw.rutgers.edu/statecon/publications/book.pdf>.

Tarr, G. Alan. *Without Fear or Favor: Judicial Independence and Accountability in the States*. Stanford, CA: Stanford University Press, 2012. This volume analyzes the contested understandings of judicial independence and judicial accountability in the American states since the Founding, as well as the current debate on the topic.

Williams, Robert F. *The New Jersey State Constitution*. New York: Oxford University Press, 2012. This is the revised and expanded second edition of Professor Williams' volume, which provides a constitutional history of New Jersey and a provision-by-provision analysis of its current constitution.

NEWSLETTER BY E-MAIL?

If you would prefer to receive this newsletter by e-mail, please send your e-mail address to the Center for State Constitutional Studies at: 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

STATE CONSTITUTIONAL LECTURE

The Annual State Constitutional Law Lecture was held on Tuesday, February 28, featuring Daniel Rodriguez, Dean and Harold Washington Professor of Law, Northwestern University School of Law. His topic was "The Political Question Doctrine

in State Constitutional Law." A written version of his talk is scheduled to appear in the State Constitutional Law issue of the *Rutgers Law Journal* in 2013.

Web site: www-camlaw.rutgers.edu/statecon/

STATE CONSTITUTIONAL ISSUE

The forthcoming State Constitutional Law Issue of the Rutgers Law Journal will be published shortly. Articles in the journal include:

Cheryl Saunders, *Foreword: The Constitutional Credentials of State Constitutions*

Giacomo Delledonne & Giuseppe Martinico, *Legal Conflicts and Subnational Constitutionalism*

Scott Kafker, *Constitutional Territory: Book Review of The Massachusetts State Constitution*

Primo Cruz, *Pols Gone Wild: Why State Constitutional Equality Provisions Are a Proper Solution to Partisan Gerrymandering*

STATE CONSTITUTIONS ONLINE

A number of websites include primary sources and useful commentary on American state constitutions. They include:

Colonial constitutional documents and initial state constitutions: http://avalon.law.yale.edu/subject_menus/statech.asp

Constitutional conventions: http://camlaw.rutgers.edu/statecon/conventions_online.pdf. A listing of extant debates and deliberations at state constitutional conventions throughout American history.

NBER/State Constitutions Project: <http://www.state-constitutions.umd.edu/index.aspx>. The texts of current and past state constitutions. Searchable, with a feature that allows one to view the contents of a state's constitution at various points in time.

Oregon: www.asenseoftheoregonconstitution.com. An extended treatise analyzing the Oregon Constitution.

Pennsylvania: www.duq.edu/law/pa-constitution/. The texts of current and past Pennsylvania constitutions, convention debates, attorney general opinions, and a summary of Pennsylvania constitutional law.

State constitutions: <http://www.findlaw.com/11stategov/indexconst.html> and http://dir.yahoo.com/Government/Law/Constitutional/Constitutions/United_States/State_Constitutions/.

State constitutions dataset: Stephan Stohler, Daniel Moak, and David Alexander Bateman of the University of Pennsylvania are compiling a dataset of American state constitutional provisions (1776 to 2011) that will support research addressing the evolution of sub-national constitutions over time. The data include information about the changing schemes of representation, legal rights, and obligations that American states have written into their constitutions. The dataset draws and expands on the survey instrument of Elkins, Ginsburg, and Melton (2010), allowing for transportable comparative analyses. The project is currently in the data-collection and coding phase. Direct questions about the project to ascd-penn@sas.upenn.edu.

Texas: <http://tarlton.law.utexas.edu/constitutions/>. The texts of Texas's constitutions, 1836-1876, together with convention debates and other historical source materials.

CENTER SHORTS

In March, 2012, Professor Robert Williams, Associate Director of the Center for State Constitutional Studies, spoke in Columbus, Ohio, at the Ohio Colloquium Planning Committee's conference in preparation for the Constitutional Modernization Commission's launch. His topic was: "The Experience of Constitutional Commissions across the States: What Are the Keys to Success or Failure?"

In June, 2012, Alan Tarr, Director of the Center for State Constitutional Studies, presented a paper on "Debating and Creating Judicial Independence and Accountability" at the annual conference of the Policy History Association in Richmond, Virginia.

The Center for State Constitutional Studies has entered a partnership agreement with the new Center for Federal Studies and Governance in Biethnic and Multiethnic Societies at the University of Cyprus.

RECENT AND FORTHCOMING PUBLICATIONS

Tarr, G. Alan. "Contesting the Judicial Power in the States," *Harvard Journal of Law & Public Policy* 35 (2012).

Tarr, G. Alan. "Federalism and Health Care in the United States," *Revista d'Estudis Autonomics I Federals* 14 (2011).

Tarr, G. Alan. "Federalism and Subnational Constitutional Systems: The Canadian Example of Provincial Constitutionalism," in David Clark, ed., *Comparative Law and Society* (Northampton, MA: Edward Elgar Publishing, 2012).

Tarr, G. Alan. "No Exit: The Financial Crisis in State Courts," *Kentucky Law Review* (forthcoming 2012).

Tarr, G. Alan. "Explaining Sub-national Constitutional Space," *Penn State Law Review* 115 (2011).

Williams, Robert F. "Teaching and Researching Comparative Subnational Constitutional Law," *Penn State Law Review* 115 (2011).

Williams, Robert F. "Why State Constitutions Matter," *New England Law Review* 45 (2011).

OHIO CONTEMPLATES ITS CONSTITUTIONAL FUTURE

Ohio last adopted a new constitution in 1851. In 2011, the Ohio General Assembly established the Constitutional Modernization Commission, a 32-member bipartisan body charged with examining all aspects of the document and making recommendations to the General Assembly, with all recommended changes requiring a 2/3 vote of the commission. Twelve members of the commission were drawn from the General Assembly, six from each party, and those members in turn selected the remaining 20 public members

through an application process. In the event of a Constitutional Convention, the Commission shall report to the General Assembly its recommendations for organizing the convention, and shall report to the convention its recommendations for constitutional revision. The commission will expire in 2021. For further information on the commission and its work, see www.law.csuohio.edu/lawlibrary/ohioconstitution/modernization_commission.

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.

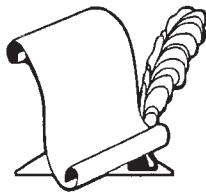
Through the Rutgers University Foundation, the Center is seeking contributions from the community as well as from

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.



Contacting The Center

Director: G. Alan Tarr

Associate Director: Robert F. Williams

Administrative Assistant: Sylvia S. Somers

Phone: 856-225-6625

Fax: 856-225-6628

E-mail: cscs@camden.rutgers.edu

Web Site: <http://camlaw.rutgers.edu/statecon/>

Center for State Constitutional Studies
Rutgers University
411 Cooper Street
Camden, NJ 08102