
SUBNATIONAL CONSTITUTIONAL CHRONICLE



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INTERNATIONAL ASSOCIATION OF CONSTITUTIONAL LAW MEETING

The International Association of Constitutional Law (IACL) will hold its Ninth World Congress at the University of Oslo in Oslo, Norway on June 16-20, 2014 (<http://www.jus.uio.no/english/research/news-and-events/events/conferences/2014/wccl-cmdc/index.html>). This association of the world's lawyers, judges and professors working in the field of constitutional law meets every three or four years. Beginning in 2007, Robert Williams has served as Convenor of the IACL's Research Group on Subnational Constitutions in Federal and Quasi-Federal Constitutional States (<http://www.iacl-aidc.org/en/iacl-research-groups/subnational-constitutions-in-federal-quasi-federal-constitutional-states>). Successful workshops on subnational constitutions were previously held in Athens in 2007 and in Mexico City in 2010. This year in Oslo the workshop will include more than 40 papers covering a wide range of topics, including: compara-

tive perspectives on constitutional courts, subnational constitutional design, processes of revision and amendment, subnational constitutions in post-colonial countries, and studies of subnational constitutionalism in specific federal countries. The papers are collected at: <https://www.jus.uio.no/english/research/news-and-events/events/conferences/2014/wccl-cmdc/wccl/papers/workshop2.html>.

The Center for State Constitutional Studies, and Professors Williams and Tarr, have been instrumental in developing the field of comparative subnational constitutional law. Many of the papers from prior workshops have been published, adding to the growing literature on this important subfield of comparative constitutional law. No doubt the same will be true for many of the papers coming out of the Oslo workshop.

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. If you know other people who

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

NEW CONTRIBUTIONS TO STATE CONSTITUTIONS SERIES

Oxford University Press has recently published four new volumes in its reference series, Oxford Commentaries on State Constitutions of the United States, which is edited by Alan Tarr, Director of the Center for State Constitutional Studies. The new volumes include:

The Mississippi State Constitution by John W. Winkle III
(2nd edition)

The Nevada State Constitution by Michael W. Bowers
(2nd edition)

The South Dakota State Constitution by Patrick M. Garry
(1st edition)

The Virginia State Constitution by John Dinan (2nd edition)

Each volume includes a constitutional history of the state, a provision-by-provision analysis of the state's current constitution, and a bibliography of pertinent materials and commentaries. Other volumes continue in preparation. For an overview of the series, see: <http://global.oup.com/academic/content/series/o/oxford-comments>.

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

RHODE ISLAND CONTEMPLATES A CONSTITUTIONAL CONVENTION

Article 14 of the Rhode Island Constitution authorizes a majority in both houses of the General Assembly to place on the ballot the question of whether or not to hold a convention. Similar provisions are found in almost all state constitutions. But Article 14 also requires that if 10 years pass without the convention question being on the ballot, the Secretary of State must put it on. This requirement of a periodic popular vote is a relatively recent addition, imposed by constitutional amendment in 1973. Neither of Rhode Island's earlier constitutions when drafted had such a requirement. In fact, neither of those constitutions expressly authorized the legislature to call a convention, leading the Rhode Island Supreme Court to rule that the legislature lacked the power to do so, a ruling only overturned in 1935. Article 14 further mandates that if a simple majority of those voting on the question favors a convention, then a convention must be held. Thirteen other state constitutions likewise require a periodic vote on whether to hold a convention, but only Rhode Island will vote this year on whether to call a convention.

To assist the people in deciding whether or not to call a convention, the Rhode Island Constitution also provides for the creation of a "bi-partisan preparatory commission to assemble information on constitutional questions for the electors." The preparatory commission is scheduled to submit its report and recommendations at the end of July. The commission will not only assist voters in making a wise choice but will also have done some groundwork for a convention, should the voters choose to hold one. Other states have also established such preparatory commissions by statute or by executive order, though no other state mandates creation of such a commission in its constitution.

At their best, these commissions publish in-depth studies of the constitutional issues confronting a state, of the approaches that other states have taken in addressing those problems, and of how well those approaches have worked. Simply put, they help clarify the issues and choices confronting the people in deciding on a convention and confronting the delegates should a convention be called.

Should the people vote for a convention, Article 14 of the Rhode Island Constitution requires that "the general assembly at its next session shall provide by law for the election of delegates to such convention. The number of delegates shall be equal to the number of members of the house of representatives and shall be apportioned in the same manner as the members of the house of representatives." In other words, the constitution mandates a convention of seventy-five members, selected from the same constituencies from which representatives are chosen, with the election of delegates occurring only after the people have voted to hold a convention.

What are the chances that voters in Rhode Island will support a convention? At this point it is difficult to determine, though some candidates for governor have endorsed the idea. Opposing the convention is a group named "Citizens for Reponsible Government," which includes representatives from the Rhode Island AFL-CIO, Planned Parenthood of Southern New England, the Rhode Island ACLU, Latino Public Radio, and Rhode Island Pride (www.rifuture.org). Supporting a convention is a group named Operation Clean Government (www.ocgri.org). For updates on developments in the state, visit <http://rhodeislandconcon.info/>.

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.

CENTER SHORTS

The Center is pleased to announce that Eiichiro Takahata, Professor of Law at Nihon University in Tokyo, Japan, has extended his stay as a Visiting Fellow at the Center for State Constitutional Studies until 2015. Professor Takahata is currently conducting research on federalism and state constitutions.

In February, 2014, Alan Tarr presented a paper on “Popular Constitutionalism in America” at a meeting of the James Madison Program on American Ideals and Institutions at Princeton University.

In April, 2014, Alan Tarr presented the sixth annual Baron Lecture on “The People’s Constitutions” at Rutgers University-Camden.

In July, 2014, Alan Tarr will participate in a conference on religious liberty as part of the Libertas Project at Villanova University.

In September, 2014, Alan Tarr will deliver a paper on “In Search of American Constitutional Federalism” at a conference on “Comparing and Contrasting Federalism in the EU and the USA,” sponsored by the Center for Federal Studies and Governance in Biethnic and Multiethnic Societies at the University of Cyprus. The Center for State Constitutional Studies is a partner of the host center, and the conference will also provide an opportunity to discuss future collaboration.

NEW AND FORTHCOMING PUBLICATIONS

Beienburg, Sean. “Contesting the U.S. Constitution through State Amendments: The 2011 and 2012 Elections,” *Political Science Quarterly* 129 (Spring 2014): 55-85.

Dinan, John. “State Constitutional Amendments and Individual Rights in the Twenty-first Century,” *Albany Law Review* 76 (2013): 2105.

Massey, Douglas S., Len Albright, Rebecca Casciano, Elizabeth Derickson, and David N. Kinsey. *Climbing Mount Laurel: The Struggle for Affordable Housing and Social Mobility in An American Suburb*. Princeton University Press, 2013.

Miller, Kenneth P. “Defining Rights in the States: Judicial Activism and Popular Response,” *Albany Law Review* 76 (2013): 2061.

Tarr, G. Alan. “American State Constitutions and the Three Faces of Magna Carta,” in Randy J. Holland, ed., *Magna Carta: Muse and Mentor*. Thomson/Reuters, 2014.

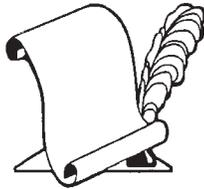
Tarr, G. Alan. *The People’s Constitutions: Popular Constitutionalism in State and Nation*. Oxford University Press, forthcoming 2015.

Williams, Robert F. “State Constitutional Religion Clauses: Lessons from the New Judicial Federalism,” *University of St. Thomas Journal of Law and Public Policy* 7 (2013): 192.

Williams, Robert F., and Lawrence Friedman. *State Constitutional Law*, 5th edition. LexisNexis, forthcoming 2015.

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.



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