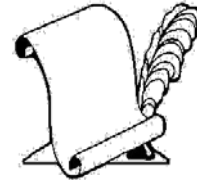

Subnational Constitutional Chronicle



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



Volume 17, No. 2

Summer, 2015

TARR APPOINTED TO NATIONAL CONSTITUTION CENTER BOARD

Alan Tarr, Director of the Center for State Constitutional Studies, has been appointed to the new 27-member Coalition of Freedom Advisory Board at the National Constitution Center in Philadelphia. The new board of scholars was created to oversee a three-year initiative made possible by a \$5.5 million grant from the John Templeton Foundation to increase awareness of the rights set forth in the United States Constitution and other founding documents. The initiative will bring together the best scholars in America to participate in Town Hall constitutional debates across America and to create the best non-partisan Interactive Constitution on the web. The board will offer guidance and ensure non-partisanship as the National Constitution Center creates the best Interactive Constitution on the web; holds playwriting, short-story and essay contests for students; schedules on-site and traveling Town Hall debates; and holds a contest that challenges public and independent school teachers to create plans to increase constitutional literacy in their schools.

“We are honored that this extraordinary group of constitutional scholars has agreed to serve on the Coalition of Freedom Advisory,” said Jeffrey Rosen, president and CEO of the National Constitution Center. “In these polarized times, it’s crucial for there to be one place in America where citizens of all perspectives can converge to educate themselves about our constitutional liberties. These ideologically diverse and academically inspiring scholars will help the National Constitution Center become a convening platform for civil constitutional dialogue across America.”

FIFTH EDITION OF *STATE CONSTITUTIONAL LAW* PUBLISHED

Robert Williams, Associate Director of the Center for State Constitutional Studies, together with coauthor Lawrence Friedman, has published the fifth edition of *State Constitutional Law: Cases and Materials* (LexisNexis, 2015), the nation’s leading textbook on state constitutional law. In addition to incorporating recent cases and scholarly commentary, the new edition features (a) an extended discussion of the issue of same-sex marriage under state constitutions; (b) a revised and expanded discussion of issues concerning the federal-state

relationship; and (c) an expanded focus on state constitutional positive rights, in contrast to the federal constitution's negative rights.

IACFS MEETING IN MONTRÉAL

The International Association of Centers for Federal Studies (IACFS) will be holding its annual meeting on October 2-3 in Montréal, Québec, Canada. The meeting, which is being hosted by the Canada Research Chair in Québec and Canadian Studies at the Université du Québec à Montréal, will focus on “Revisiting Unity and Diversity in Federal Countries: Changing Concepts, Reform Proposals, and New Institutional Realities.” The Center for State Constitutional Studies will be represented by Robert Williams, who serves as Secretary-Treasurer of IACFS, and by Alan Tarr, who will be delivering a paper on “Of Tribes and Territories: Asymmetry in American Federalism.” The papers presented at the conference will subsequently be published as a book.

WHITTINGTON DELIVERS ANNUAL STATE CONSTITUTIONAL LECTURE

On February 26, Keith Whittington, who is the William Nelson Cromwell Professor of Politics at Princeton University, delivered the 26th Annual State Constitutional Lecture at Rutgers University-Camden. In his talk, entitled “State Constitutional Law in the New Deal Period,” Whittington argued that the U.S. Supreme Court and the struggle over federal constitutional law may have been more idiosyncratic and exceptional than typical of the constitutional politics of the period. Judicial review in the state courts and the elaboration of state-level constitutional law were characterized by continuity rather than transformation during this period. State courts were able to routinely use the power of judicial review to invalidate legislation across this time period, but they rarely found themselves obstructing the core policies being advanced by the other parts of the state governments. Whittington’s talk will appear as the Foreword in the forthcoming Annual Issue on State Constitutional Law of the *Rutgers Law Journal*.

CONFERENCES ON STATE CONSTITUTIONS

The past year has witnessed a number of important conferences dealing with state constitutionalism, and already one is scheduled for later this year and one for early next year. On March 6, 2015, the Moritz School of Law at The Ohio State University sponsored a conference on “State Constitutions in the United States Federal System: An Exploration of the Construction, Execution, and Interpretation of State Founding Documents.” For information about the symposium, see: <http://moritzlaw.osu.edu/briefing-room/events/state-constitutions-in-the-united-states-federal-system/> . Articles based on the talks at the conference will appear in the *Ohio State Law Journal*.

On October 23, 2015, the University of Washington School of Law will host a symposium on state constitutional law in honor of Robert Utter, who served with distinction on the Washington Supreme Court and was a major early contributor to the literature on the new

judicial federalism. Alan Tarr and Robert Williams will be among the scholars presenting papers at the symposium. The papers will be published in the *Washington Law Review Online*. For further information about the conference, contact Professor Hugh Spitzer, at spith@uw.edu.

CENTER SHORTS

In January, 2015, Alan Tarr, Director of the Center for State Constitutional Studies, presented a paper on “Popular Constitutionalism and Its Enemies,” at the 2015 annual conference of the Southern Political Science Association in New Orleans.

In February, 2015, Alan Tarr consulted on an amicus curiae brief filed by the Brennan Center for Justice in the case of *Arizona State Legislature v. Arizona Independent Redistricting Commission*, which was argued before the U.S. Supreme Court in March, 2015.

In March, 2015, the Center bid fond farewell to Eiichiro Takahata, who was a visiting fellow at the Center from 2013-2015, conducting research on federalism and on state constitutionalism. Professor Takahata is resuming his teaching responsibilities at the Law School at Nihon University in Tokyo.

In March, 2015, Alan Tarr delivered a paper on “Popular Constitutionalism in State and Nation,” and Robert Williams delivered a comment on the conference papers at a symposium on state constitutional law at Ohio State University. Tarr’s and Williams’ presentations will appear in a forthcoming issue of the *Ohio State Law Journal*.

In March, 2015, Alan Tarr delivered a talk on “Civil Liberties in Times of Emergencies” before the Discovery Forum in Cherry Hill, New Jersey.

In April, 2015, Alan Tarr presented a paper on “In Search of Constitutional Federalism: American Perspectives,” at the 2015 annual conference of the Western Political Science Association in Las Vegas.

In May, 2015, Robert Williams gave a Law Day talk to the Hunterdon County Bar Association on “The Influence of Magna Carta on the New Jersey State Constitution.” His article of same title appeared in the June, 2015, issue of *The New Jersey Lawyer Magazine*.

In May, 2015, Alan Tarr gave a presentation on “Crafting Republicanism: State Constitutionalism in the Eighteenth Century,” to the Seminar in Constitutional Thought and History at Pembroke College, Oxford University.

In May, 2015, Robert Williams addressed the Utah Appellate Judges Conference on “International Law and State Constitutions.”

Robert Williams served as a member of the New Jersey State Bar Association’s Task Force on Judicial Independence, which issued its final report in May, 2015.

RECENT AND FORTHCOMING PUBLICATIONS

Blokker, Paulus, and Werner Reuters, eds. “Sub-national Constitutional Politics: Contesting or Complementing, Replicating or Innovating, Traditional Constitutionalism?” Special Issue of *Perspectives on Federalism*, at <http://www.on-federalism.eu/index.php>.

Fraenkel-Haeberle, Cristina, Sabine Kropp, Francesco Palermo, and Karl-Peter Sommermann, eds. *Citizen Participation in Multi-level Democracies*. Leiden: Brill Nijhoff, 2015.

- Keck, Thomas M. *Judicial Politics in Polarized Times*. Chicago: University of Chicago Press, 2014.
- Medda-Windischer, Roberta, and Andrea Carlà, eds., *Migration and Autonomous Territories: The Case of South Tyrol and Catalonia*. Leiden: Brill Nijhoff, 2015.
- Rossum, Ralph A., and G. Alan Tarr. *American Constitutional Law*, 10th ed. Boulder, CO: Westview Press, 2016.
- Tarr, G. Alan. "American State Constitutions and the Three Faces of Magna Carta," in Randy F. Holland, ed., *Magna Carta: Muse and Mentor*. Eagan, MN: Thomson West, 2014.
- Tarr, G. Alan, "In Search of Constitutional Federalism: American Perspectives," in Alain-G. Gagnon, Soeren Keil, and Sean Mueller, eds. *Understanding Federalism and Federation*. Farnham, UK: Ashgate Press, 2015.
- Tarr, G. Alan. "Political Identity and American Federalism," in Francesco Palermo and Elisabeth Alber, eds., *Federalism as Decision-Making: Changes in Structures, Procedures and Policies*. Leiden: Brill Nijhoff, 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.

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.

CONTACTING THE CENTER

Director: G. Alan Tarr

Associate Director: Robert F. Williams

Administrative Assistant: Sylvia S. Somers

New Mailing Address:

Center for State Constitutional Studies

Rutgers University – Camden

217 N.5th Street, Rm. 612W

Camden, NJ 08102

Phone: 856-225-6625

Fax: 856-225-6628

E-mail: cscs@camden.rutgers.edu

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