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Constitutional Law (Quick Study: Law)

AMERICA'S #1 LEGAL REFERENCE CHART

CONSTITUTIONAL LAW

✓ This updated America's most sought reference described by the U.S. Supreme Court during its current term. Abbreviations list A. = Amendment, Art. = Article

EXECUTIVE: ART. II	JUDICIARY: ART. III
PRESIDENTIAL POWERS (Classically described in foreign affairs, there is domestic affairs) • FOREIGN 1. Treaty A. With advice and consent of Senate B. Equal reciprocity with acts of Congress 2. Executive agreements: No consent of Senate yet still operates over state and prior federal law • COMMANDER IN CHIEF OF ARMED FORCES 1. Executive powers A. War power to control troops absent without congressional approval when: i. Maintaining neutrality ii. Protecting frontier abroad iii. Enforcing national statute B. War Powers Resolution of 1973 (Limitation on presidential powers) 2. Domestic powers A. Power to control troops in United States B. Stronger if Congress agrees C. Not as strong if Congress disagrees D. Warrent if Congress disagrees 3. Power to carry out law, not to make law i. Executive order to solve and settle such as organizational structure of congressional committee (Thompson's, Senate) ii. War crimes tribunal at Guantanamo Bay established by the administration (Obama's, Executive Order) iii. Military orders (Obama's, Executive Order) • DOMESTIC 1. Pardons (Federal crimes only) A. Power to require law, some pardons that may not require presidential approval B. Full pardon restores rights of all civil rights 2. Veto A. Can be overridden by 2/3 vote in each house B. One house veto is unconstitutional (Clinton's, Veto) C. Pocket veto cannot be overridden D. Line item veto gives president power to cut government spending by eliminating individual programs E. Power available prior to 1932 (Carter's, Veto) 3. Appointment of federal officers A. Top level officers, such as Supreme Court justice and cabinet members, with advice and consent of Senate B. Inferior officers and employees generally appointed without Senate C. Appointment of special prosecutors may be granted to judiciary (Morrison's, Chief) D. Appellate military judges are inferior officers who must be appointed, subject to Senate approval, unless authorized (Hoffa's, Chief) E. Federal Reserve Bank members are inferior officers of Department of Treasury (Morrison's, Chief) • IMPEACHMENT OF PRESIDENT 1. House: Majority to initiate charges 2. Senate: 2/3 to convict 3. Grounds: Treason, bribery, high crimes, and misdemeanors • IMPEACHMENT OF FEDERAL OFFICERS 1. Congress has sole power (Judge, W. L. Stearns, Chief) • CRIMINAL LIABILITY 1. No address to impeach federal 2. Only not criminally liable generally • IMMUNITY • CIVIL LIABILITY 1. Absolute immunity of president with regard to official acts but not unofficial conduct (Clinton's, Immunity) - grand jury witnesses, the civil damages have absolute immunity for their testimony (Morrison's, Chief) 2. Qualified immunity of all government officials, unless actions violate clearly established law (Clinton's, Immunity) 3. No protection for holding like witnesses (Clinton's, Immunity) or also for being a witness 4. No qualified immunity for privately employed prison guards (Clinton's, Immunity), for grand jurors in state crime (Clinton's, Immunity) within scope of traditional state law (Clinton's, Immunity) 5. Civil rights act (CIA for breach of contract claim) (Clinton's, Immunity) 6. Part VII doesn't shield federal from personal civil and criminal liability to ensure qualified immunity (Clinton's, Immunity) • EXECUTIVE PRIVILEGE 1. Qualified privilege, with regard to disclosure of confidential information 2. Claim of immunity subordinate to need for specific evidence to criminal trial (Clinton's, Immunity) 3. State does not have immunity (Clinton's, Immunity) to accepting federal funds (Clinton's, Immunity) • RESPONSIBILITY 1. Federal officers and employees generally described by the U.S. Supreme Court during its current term. Abbreviations list A. = Amendment, Art. = Article	CASE & CONTROVERSY REQUIREMENT (MUST USE) • NON-RECURRING ("MUST USE") 1. Federal system A. Long-term system 2. Original Clause of Art. IV, in which the Supreme Court declares to address the issue of whether a state is creating a legislative form of government (Pa. State v. Commonwealth) • STANDING ("MUST USE") 1. Adversely affected and legal or equitable interest are not considered jurisdictional 2. Personal stake in the outcome 3. Specific injury in fact A. Injury or harm must be: i. Concrete and particularized, not abstract ii. Actual or imminent, not hypothetical iii. Fairly traceable to defendant iv. Redressable by the court B. Injury or harm must be: i. Concrete and particularized, not abstract ii. Actual or imminent, not hypothetical iii. Fairly traceable to defendant iv. Redressable by the court C. Injury or harm must be: i. Concrete and particularized, not abstract ii. Actual or imminent, not hypothetical iii. Fairly traceable to defendant iv. Redressable by the court D. Injury or harm must be: i. Concrete and particularized, not abstract ii. Actual or imminent, not hypothetical iii. Fairly traceable to defendant iv. Redressable by the court E. Injury or harm must be: i. Concrete and particularized, not abstract ii. Actual or imminent, not hypothetical iii. Fairly traceable to defendant iv. Redressable by the court F. Injury or harm must be: i. Concrete and particularized, not abstract ii. Actual or imminent, not hypothetical iii. Fairly traceable to defendant iv. Redressable by the court G. Injury or harm must be: i. Concrete and particularized, not abstract ii. Actual or imminent, not hypothetical iii. Fairly traceable to defendant iv. Redressable by the court H. Injury or harm must be: i. Concrete and particularized, not abstract ii. Actual or imminent, not hypothetical iii. Fairly traceable to defendant iv. Redressable by the court I. Injury or harm must be: i. 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Fairly traceable to defendant iv. Redressable by the court Z. Injury or harm must be: i. Concrete and particularized, not abstract ii. Actual or imminent, not hypothetical iii. Fairly traceable to defendant iv. Redressable by the court • DEFENDANT ("MUST USE") 1. Challenge to proposed grant to implementation is premature (Hoffa's, Immunity) 2. Questioning validity of statute prior to violation is not jurisdictional 3. Civil service hearing to engage in judicial review is violation of statute that has a basis for a claim (Clinton's, Immunity) 4. This requires court must first render judgment prior to U.S. Supreme Court review (Clinton's, Immunity) • DEFENDANT ("MUST USE") 1. Government must state at all stages of the lawsuit A. Exception: Capable of repetition yet evading review (e.g., Bush's, Immunity) B. Exception: Capable of repetition yet evading review (e.g., Bush's, Immunity) C. Exception: Capable of repetition yet evading review (e.g., Bush's, Immunity) D. 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Synopsis

With the rights of citizens becoming more complex each day, it is important for attorneys in this field to have the latest information at their fingertips •thatâ™s where our updated, 3â“panel guide comes in. Every aspect of constitutional law is analyzed, and cases and statutes are highlighted for easy reference.

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The Good:What these laminates do better than nearly any other resource is to give you a general overview and guide so you can understand where the material is going. Similar to the artist's technique where you have to create a vague rough sketch to understand proportion and relevance, these allow you to understand the significance of minutia and detail in the bigger schematic. Also great refresher if you are return after a long time away and your own notes don't make sense anymore.**The Bad:**These cannot replace the actual text or class material, though of the entire series Constitutional Law, Civil Procedure and Criminal Procedure come closest.**The Ugly:**For those gunners out there, the laminate surface also makes these perfect to buy a second set to keep in the can for those "first thing in the morning" study sessions.

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Good summary!

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