DOWNLOAD PDF PUBLIC EVALUATIONS OF CONSTITUTIONAL COURTS, ALTERNATIVE EXPLANATIONS

Chapter 1 : Supreme Court of Florida - Florida Courts

Public evaluations of constitutional courts, alternative explanations. Public evaluations of constitutional courts, alternative explanations / Walter F. Murphy.

The Sheriff of the court - The Sheriff is an impartial and independent official of the Court appointed by the Minister of Justice and Constitutional Development who must serve or execute all documents issued by our courts. These include summonses, notices, warrants and court orders. The Directors of Public Prosecutions - are responsible for all the criminal cases in their provinces, so all the prosecutors are under their control. There are at the moment fourteen provincial divisions of the High Court. The present fourteen provincial divisions of the High Court are situated in: They are sit at least twice a year, moving around to serve more rural areas. They can be contacted through the High Court. This court deals with any disputes between a taxpayer and the South African Revenue Service, where the dispute involves an income tax assessment of more than R Appeals against its decisions are made directly to the Supreme Court of Appeal. Tax disputes involving an assessment of less than R go to the Tax Board. The Tax Board is chaired by an attorney, advocate or accountant who works in the private sector and is specifically appointed by the President to assist as chairman of the Board. The Labour Courts have the same status as a High Court. The Labour Courts adjudicates matters relating to labour disputes between an employer and employee. It is mainly guided by the Labour Relations Act which deals with matters such as unfair labour practices for example dismissing an employee without giving notice. The Labour Court can order an employer or employee or union to stop committing an unfair labour practice. It can give jobs back to employees who have lost their jobs unfairly, and so on. The Labour Appeal Court hears appeals against decisions in the Labour Court and this is the highest court for labour appeals. This initiative facilitates greater access to courts to hear divorce matters and the parties can now choose the court that is closest to the area where they live to initiate divorce related matters. The Land Claims Court can hold hearings in any part of the country if it thinks this will make it more accessible and it can conduct its proceedings in an informal way if this is appropriate, although its main office it in Randburg. It has jurisdiction over water disputes. Members of the Water Tribunal must have knowledge in law, engineering, water resource management or related fields of knowledge. They are appointed by the Minister on the recommendation of the Judicial Service Commission, the body which chooses judges. The Water Tribunal replaced the Water Court in You can contact the Water Tribunal through the High Court. The Amnesty Committee had the power to grant amnesty which means the perpetrator cannot be prosecuted for politically motivated crimes fully and truthfully confessed, under certain conditions. The Human Rights Violation Committee decided on acts which constituted violations of human rights, based on statements made to the TRC. Once victims of gross human rights violations are identified, they were referred to the Reparation and Rehabilitation Committee, which decides on how to compensate victims. The work of the TRC is almost complete. Those who were not granted amnesty by the TRC for crimes committed during apartheid can be prosecuted. They are divided into regional courts and district courts. In Criminal Courts the state prosecutes people for breaking the law. The Court can also sentence people who have been found guilty of certain offences such as armed robbery or stealing a motor vehicle to prison for a period up to 20 years. The district courts try the less serious cases. They cannot try cases of murder, treason, rape, terrorism, or sabotage. They can sentence a person to a maximum of 3 years in prison or a maximum fine of R They cannot deal with certain matters, such as: The most serious criminal matters are heard in the High Court. Small Claims Courts Small Claims Courts have jurisdiction to hear any civil matter involving less than R 15 unless both the person suing and the person being sued agree to limit the claim to less R15 But some cases cannot be taken to the Small Claims Court even if they are for R15 or less. Examples of these claims are:

Chapter 2 : Theories of Constitutional Interpretation

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A constitution that did not invalidate so offensive, oppressive, probably undemocratic, and sectarian law [as the Connecticut law banning the use or distribution of contraceptives] would stand revealed as containing major gaps. Maybe that is the nature of our, or perhaps any, written Constitution; but yet, perhaps the courts are authorized to plug at least the most glaring gaps. Does anyone really believe, in his heart of hearts, that the Constitution should be interpreted so literally as to authorize every conceivable law that would not violate a specific constitutional clause? We find it reassuring to think that the courts stand between us and legislative tyranny even if a particular form of tyranny was not foreseen and expressly forbidden by framers of the Constitution. Further Reading For another view: From "What Am I? In considering whether to shrink what are now understood to be constitutional safeguards to the slight dimensions implied by a literal interpretation of the Constitution, we should be careful to have a realistic, not an idealized, picture of the legislative and executive branches of government, which would be even more powerful than they are today if those safeguards were reduced. The framers of a constitution who want to make it a charter of liberties and not just a set of constitutive rules face a difficult choice. They can write specific provisions and thereby doom their work to rapid obsolescence, or they can write general provisions, thereby allowing substantial discretion to the authoritative interpreters, who in our system are the judges. Constitution is a mixture of specific and general provisions. Many of the specific provisions have stood the test of time well or have been amended without much fuss. This is especially true of the rules establishing the structure and procedures of Congress. Most of the specific provisions creating rights, however, have fared poorly. Others have become dangerously anachronistic, such as the right to bear arms. Some have turned topsy-turvy, such as the provision for indictment by grand jury. The grand jury has become an instrument of prosecutorial investigation on, rather than being the protection for the criminal suspect that the framers of the Bill of Rights expected it to be. If the Bill of Rights had consisted entirely of specific provisions, it would no longer be a significant constraint on the behavior of government officials. Many provisions of the Constitution, however, are drafted in general terms. This creates flexibility in the face of unforeseen changes, but it creates the possibility of alternative interpretations, and this possibility is an embarrassment for a theory of judicial legitimacy that denies judges have any right to exercise discretion. A choice among semantically plausible interpretations of a text, in circumstances remote from those contemplated by its drafters, requires the exercise of discretion and the weighing of consequences. Reading is not a form of deduction; understanding requires a consideration of consequences. The broader principle, which applies to the Constitution as much as to a spoken utterance, is that if one possible interpretation of an ambiguous statement would entail absurd or terrible results, that is a good reason to reject it. Even the decision to read the Constitution narrowly, and thereby to "restrain" judicial interpretation, is not a decision that can be read directly from the text. The Constitution does not say, "Read me broadly," or, "Read me narrowly. The Sixth Amendment provides that "in all criminal prosecutions, the accused shall enjoy the right. If he cannot afford counsel, or competent counsel, he is out of luck. Read broadly, it guarantees even the indigent the effective assistance of counsel. Either reading is compatible with the semantics of the provision, but the first better captures the specific intent of the framers. When the Sixth Amendment was written, English law forbade a criminal defendant to have the assistance of counsel unless his case presented abstruse questions of law. The framers wanted to do away with this prohibition. But, more broadly, they wanted to give criminal defendants protection against being railroaded. When they wrote, government could not afford, or at least did not think it could afford, to hire lawyers for indigent criminal defendants. Today the situation is different. Not only can the society afford to supply lawyers to poor people

charged with crimes, but modern criminal law and procedure are so complicated that an unrepresented defendant is usually at a great disadvantage. But it is no use pretending that what they are doing is not interpretation but "deconstruction," not law but politics, just because it involves the exercise of discretion and a concern with consequences and because it reaches results not foreseen two hundred years ago. It may be bad law because it lacks firm moorings in constitutional text, or structure, or history, or consensus, or other legitimate sources of constitutional law, or because it is reckless of consequences, or because it oversimplifies difficult moral and political questions. But it is not bad law, or no law, just because it violates the tenets of strict construction. From "Bork and Beethoven" The Tempting of America [by Judge Robert Bork] defends the position that "all that counts" to a judge interpreting the Constitution "is how the words used in the Constitution would have been understood at the time [of enactment]. How else to explain the pervasive religious imagery? It begins with the title of the book. Any doubt that the reference is to the temptation is dispelled by the tide of the first chapter-"Creation and Fall"-which begins, "The Constitution was barely in place when one Justice of the Supreme Court cast covetous glances at the apple that would eventually cause the fall. But if democracy is the end, originalism is a clumsy means. Bork notes that in the wake of the New Deal the Supreme Court read out of the Constitution the limitations that the commerce clause of Article I appears to place on the regulatory powers of the federal government. By the test of originalism, the Court erred. And democracy is not the end, at least not the unalloyed end. The democratic really Bork means the populist principle is diluted in our system of government. Policies are made by agents of the people rather than by the people themselves-precisely so that raw popular desire will be buffered, civilized, guided, mediated by professionals and experts, informed through deliberation. Even the representatives do not have a blank check. They are hemmed in by the Constitution itself representing, to be sure, popular preferences, but those of a sliver of a tiny population two centuries ago. As Dworkin would say, the question posed by an originalist versus an activist or a pragmatist judiciary is not, one of democracy or no democracy, but of the kind of democracy we want. Bork knows this, for he says in great tension with his remark about the destructibility of the institution that "the Court is virtually invulnerable"; it "can do what it wishes, and there is almost no way to stop it, provided its result has a significant political constituency. The Court has never been consistently originalist, yet has survived. Maybe the Justices know more about survival than their critics do; we economist types believe that people generally know more about how to protect their own interests than a kibitzer does. If the Court will not agree with him, why not argue his case to some other group, say the Joint Chiefs of Staff, a body with rather better means for enforcing its decisions? These dichotomies imply, implausibly, that the only method of justification available to a court, the only method of channeling judicial discretion and thus of distinguishing judges from legislators, is the originalist. No other method-one that emphasizes natural justice, sound justice, social welfare, or neutral but not necessarily originalist principles-so much as exists. If one may judge by the evidence that Bork arrays, the Court has since the beginning strayed repeatedly from the originalist path, yet the Joint Chiefs or their predecessors have never tried to take over the government. Nor are they likely to try. A contract induces, reliance that can make a strong claim for protection; it also frees people from having continually to reexamine and revise the terms of the relationship. These values are independent of whether the original contracting parties are still alive. But a long-term contract is bound eventually to require, if not formal modification which in the case of the Constitution can be accomplished only through the amendment, process , then flexible interpretation, to cope effectively with altered, circumstances. Modification and interpretation are reciprocal; the more difficult it is to modify the instrument formally, the more exigent is flexible interpretation. Bork is aware of the practical impediments to amending the Constitution but is unwilling to draw the inference that flexible interpretation is therefore necessary to prevent constitutional obsolescence. But although judges are not immune from the all too human tendency to deny responsibility for actions that cause pain, the significance of this fact is another matter. It is a considerable paradox to suggest that these reasons which uncandid judges give for their actions are the only legitimate grounds for judicial action. If the result-oriented or activist judge is queasy about the title deeds of

his rulings, the originalist is on the evidence of The Tempting of America, at any rate queasy about the consequences of originalist rulings. It is difficult to argue to Americans that in evaluating a political theory they should ignore its practical consequences. Bork is not prepared to make such an argument. He continually reassures the reader that originalism does not yield ghastly results, while at the same time denouncing judges who are "result-oriented. The pragmatist places the consequences of his decisions in the foreground. The pragmatist judge does not deny that his role in interpreting the Constitution is interpretive. He is not a lawless judge. He does not, in order to do short-sighted justice between the parties, violate the Constitution and his oath, for he is mindful of the systemic consequences of judicial lawlessness. In the capacious, forward-looking account of interpretation that I am calling pragmatic, the social consequences of alternative interpretations often are decisive; to the consistent originalist, if there were such a person, they would always be irrelevant. The people are entitled to ask what the benefits to them of originalism would be, and they will find no answers in The Tempting of America. If, to echo Samuel Lipman again, orginalism make bad music despite or perhaps because of its scrupulous historicity, why should the people listen to it?

Chapter 3 : Public evaluations of constitutional courts, alternative explanations | Search Results | IUCAT

*Public evaluations of constitutional courts, alternative explanations (Sage professional papers in comparative politics) [Walter F Murphy, Joseph Tanenhaus, Daniel L. Kastner] on racedaydvl.com *FREE* shipping on qualifying offers.*

The Supreme Court, public opinion and decision-making: With lifetime tenure, justices are in principle immune from the vagaries of public opinion. But new issues inevitably come to the Court because of emerging trends in society, and evolving norms and values have always been part of these cases. As the Court continues to weigh momentous cases on important social issues, the history of past decisions, such as Roe v. Wade , continue to be contemplated by legal scholars. How should decisions on evolving social issues be adjudicated in light of prevailing views in society? In , the landmark ruling on the Affordable Care Act was handed down. In advance of the ruling, the American people were divided over how the Court should handle the issue. For background research perspective on the gay marriage case, see this reading list, compiled by George Washington University political scientist John Sides. Public Opinion Quarterly, , Vol. Which types of people are most likely to misperceive? Answering these questions is important for understanding the basis of public support for the Supreme Court. To do so requires placing the public and the Supreme Court on a common ideological scale. This study represents the first attempt to do so. We ask respondents how they would have voted on a set of cases recently decided by the Court, meaning that we can generate a comparable set of ideal points for both masses and elites in a common space. We find that the Court is generally representative of mass opinion and that most citizens have accurate perceptions of the Court. However, we also find that people are substantially more likely to misperceive the Court as being too liberal than too conservative. Journal of Politics, August , Given this fact, judicial scholars have paid substantial attention to the swing justice. First, we show that in a substantial number of cases, the justice that casts the pivotal vote is not the median justice on the Court. Second, we argue that the swing justice will typically rely less on attitudinal considerations and more on strategic and legal considerations than the other justices on the Court. The theory and findings suggest that a failure to consider the unique behavior of a pivotal actorâ€”whether on the Supreme Court or any other decision-making bodyâ€”can lead to incorrect conclusions about the determinants of policy outputs. Most work is based on the assumption that the contemporary Court is objectively conservative in its policymaking, meaning that ideological disagreement should come from liberals and agreement from conservatives. Analysis of a national survey shows that subjective ideological disagreement exhibits a potent, deleterious impact on legitimacy. Results from a survey experiment support our posited mechanism. Pew Research Center, March Due to growing public understanding that legal expertise does not award the Court with determinate answers, the Court has partly lost expertise as a source of legitimacy. On the other hand, as a result of the invention of scientific public opinion polls and their current centrality in the public mind, the Court has now available a new source of legitimacy. Thanks to public opinion polls that measure public support for the Court, the Court for the first time in its history, has now an independent and public metric demonstrating its public support. The monopoly elected institutions had on claiming to hold public mandate has been broken. American Journal of Political Science, October Does public opinion directly influence decisions or do justices simply respond to the same social forces that simultaneously shape the public mood? The results suggest that the influence of public opinion on Supreme Court decisions is real, substantively important, and most pronounced in nonsalient cases. Public Opinion Quarterly, September National survey data show that large segments of the public perceive of the Court in political terms and prefer that justices be chosen on political and ideological bases. Empirical evidence refutes the backlash hypothesis and supports the political reinforcement hypothesis; the more individuals perceive the Court in politicized terms, the greater their preferences for a political appointment process. Those who view the Court as highly politicized do not differentiate the Court from the explicitly political branches and therefore prefer that justices be chosen on political and ideological grounds. The Journal of Politics, However, the theory of competing public agency

embraced by the Constitution suggests that public support for courts cannot, by itself, explain congressional support for judicial authority. Instead, the logic of the separation of powers system indicates that legislative support for the institutional capacity of courts will be a function of public confidence in the legislature as well as evaluations of the judiciary. The results offer a more refined and complex view of the role of public sentiment in balancing institutional power in American politics. However, conflicting theoretical and empirical findings have given rise to a significant discrepancy in the scholarship. Building on evidence from interviews with Supreme Court justices and former law clerks, I develop a formal model of judicial-congressional relations that incorporates judicial preferences for institutional legitimacy and the role of public opinion in congressional hostility towards the Supreme Court. The evidence indicates that public discontent with the Court, as mediated through congressional hostility, creates an incentive for the Court to exercise self-restraint. When Congress is hostile, the Court uses judicial review to invalidate Acts of Congress less frequently than when Congress is not hostile towards the Court. Journal of Politics, April , Vol. Recent research indicates that, in addition to this indirect effect, Supreme Court justices respond directly to changes in public opinion. We explore the two causal pathways suggested to link public opinion directly to the behavior of justices and the implications of the nature and strength of these linkages for current debates concerning Supreme Court tenure. The recent increase in the stability of Court membership has raised questions about the continued efficacy of the replacement mechanism and renewed debates over mechanisms to limit judicial tenure. Our analysis offers preliminary evidence that â€" even in the absence of membership change â€" public opinion may provide a mechanism by which the preferences of the Court can be aligned with those of the public. However, we argue that judicial preferences vary considerably across areas of the law, and that limitations in our ability to measure those preferences have constrained the set of questions scholars pursue. We introduce a new approach, which makes use of information about substantive similarity among cases, to estimate judicial preferences that vary across substantive legal issues and over time. We show that a model allowing preferences to vary over substantive issues as well as over time is a significantly better predictor of judicial behavior than one that only allows preferences to vary over time. We find that judicial preferences are not reducible to simple left-right ideology and, as a consequence, there is substantial variation in the identity of the median justice across areas of the law during all periods of the modern court. These results suggest a need to reconsider empirical and theoretical research that hinges on the existence of a single pivotal median justice. Journal of Politics, July , Vol. We present the first direct evidence that state-level public opinion on whether a particular Supreme Court nominee should be confirmed affects the roll-call votes of senators. Using national polls and applying recent advances in opinion estimation, we produce state-of-the-art estimates of public support for the confirmation of 10 recent Supreme Court nominees in all 50 states. We find that greater home-state public support does significantly and strikingly increase the probability that a senator will vote to approve a nominee, even controlling for other predictors of roll-call voting. These results establish a systematic and powerful link between constituency opinion and voting on Supreme Court nominees. We connect this finding to larger debates on the role of majoritarianism and representation. Political Research Quarterly, September , Vol. Supreme Court to influence public opinion through its decisions is far from settled. Scholars have examined the question using a variety of theoretical perspectives and empirical evidence, but there is no theoretical consensus, nor are the empirical studies without methodological weaknesses. We enter this debate in an attempt to bring some clarity to the theoretical approaches, overcome some of the methodological shortcomings, and bring a yet unstudied issue area, Court decisions on gay civil rights, under scrutiny. We argue that the ability of Court decisions to influence public opinion is a function of the salience of the issue, the political context, and case specific factors at the aggregate level. At the individual level these factors are also relevant, but citizen characteristics must also be taken into consideration. Our analysis of aggregate level and individual level opinion does indeed suggest that Court decisions can influence public opinion. However, the ability of Court decisions to influence public opinion is conditional. Our findings lend support to the legitimation hypothesis and the structural effects model. We conclude with a discussion of

the implications of our findings and suggestions for future research. The role as teacher to the republic also serves the interests of the Court. The puzzle is what process can account for these disparate reactions. We develop a theory resting on interpersonal influences to explain these results, arguing that the social interpretation of events drives the differing outcomes. This theory is then tested against a purely psychological alternative. The closing discussion considers how these results can be extended to the general problem of public decisions and popular responses, including presidential actions and the influence of the media.

Chapter 4 : Creation and evolution in public education in the United States - Wikipedia

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Human timeline and Nature timeline Until the late 19th century, creation was taught in nearly all schools in the United States, often from the position that the literal interpretation of the Bible is inerrant. With the widespread acceptance of the scientific theory of evolution in the s after being first introduced in , and developments in other fields such as geology and astronomy , public schools began to teach science that was reconciled with Christianity by most people, but considered by a number of early fundamentalists to be directly at odds with the Bible. In the aftermath of World War I , the Fundamentalistâ€"Modernist Controversy brought a surge of opposition to the idea of evolution, and following the campaigning of William Jennings Bryan several states introduced legislation prohibiting the teaching of evolution. Such legislation was considered and defeated in in Kentucky and South Carolina, in passed in Oklahoma , Florida , and notably in in Tennessee , as the Butler Act. Scopes accepted, and he started teaching his class evolution, in defiance of the Tennessee law. The resulting trial was widely publicized by H. Mencken among others, and is commonly referred to as the Scopes Trial. Scopes was convicted; however, the widespread publicity galvanized proponents of evolution. When the case was appealed to the Tennessee Supreme Court , the Court overturned the decision on a technicality the judge had assessed the fine when the jury had been required to. Although it overturned the conviction, the Court decided that the law was not in violation of the First Amendment to the United States Constitution. We are not able to see how the prohibition of teaching the theory that man has descended from a lower order of animals gives preference to any religious establishment or mode of worship. So far as we know there is no religious establishment or organized body that has its creed or confession of faith any article denying or affirming such a theory. The State Tenn. Consequently, the Court held that the ban on the teaching of evolution did not violate the Establishment Clause, because it did not establish one religion as the "State religion. The Supreme Court held that the Establishment Clause prohibits the state from advancing any religion, and determined that the Arkansas law which allowed the teaching of creation while disallowing the teaching of evolution advanced a religion, and was therefore in violation of the Establishment Clause. This holding reflected a broader understanding of the Establishment Clause: Opponents, pointing to the previous decision, argued that this amounted to judicial activism. The Supreme Court of the United States has made several rulings regarding evolution in public education In reaction to the Epperson case, creationists in Louisiana passed a law requiring that public schools should give "equal time" to "alternative theories" of origin. The Supreme Court ruled in in Edwards v. Aguillard that the Louisiana statute, which required creation to be taught alongside evolution every time evolution was taught, was unconstitutional. The Court laid out its rule in Edwards as follows: First, the legislature must have adopted the law with a secular purpose. Third, the statute must not result in an excessive entanglement of government with religion. Kurtzman , U. State action violates the Establishment Clause if it fails to satisfy any of these prongs. Aguillard [6] The Court held that the law was not adopted with a secular purpose, because its purported purpose of "protecting academic freedom " was not furthered by limiting the freedom of teachers to teach what they thought appropriate; ruled that the act was discriminatory because it provided certain resources and guarantees to " creation scientists " which were not provided to those who taught evolution; and ruled that the law was intended to advance a particular religion because several state senators that had supported the bill stated that their support for the bill stemmed from their religious beliefs. While the Court held that creationism is an inherently religious belief, it did not hold that every mention of creationism in a public school is unconstitutional: We do not imply that a legislature could never require that scientific critiques of prevailing scientific theories be taught. Indeed, the Court acknowledged in Stone that its decision forbidding the posting of the Ten Commandments did not mean that no use could ever be made of the Ten Commandments, or that the Ten Commandments played an

exclusively religious role in the history of Western Civilization. In a similar way, teaching a variety of scientific theories about the origins of humankind to schoolchildren might be validly done with the clear secular intent of enhancing the effectiveness of science instruction. But because the primary purpose of the Creationism Act is to endorse a particular religious doctrine, the Act furthers religion in violation of the Establishment Clause. Aguillard [6] Intelligent Design and Kitzmiller v. Dover Area School District[edit] The ruling was one in a series of developments addressing issues related to the American creationist movement and the separation of church and state. The scope of the ruling affected state schools and did not include independent schools, home schools , Sunday schools and Christian schools , all of whom remained free to teach creationism. Within two years of the Edwards ruling a creationist textbook was produced: Of Pandas and People , which attacked evolutionary biology without mentioning the identity of the supposed " intelligent designer. This would eventually lead to another court case, Kitzmiller v. District Court on December 20, , in favor of the plaintiffs, who charged that a mandate that intelligent design ID be taught was an unconstitutional establishment of religion. The opinion of Kitzmiller v. Dover was hailed as a landmark decision, firmly establishing that creationism and intelligent design were religious teachings and not areas of legitimate scientific research. Because the Dover Area School Board chose not to appeal, the case never reached a circuit court or the U. Just as it is permissible to discuss the crucial role of religion in medieval European history, creationism may be discussed in a civics, current affairs, philosophy, or comparative religions class where the intent is to factually educate students about the diverse range of human political and religious beliefs. The line is crossed only when creationism is taught as science, just as it would be if a teacher were to proselytize a particular religious belief. One strategy is to declare that evolution is a religion, and therefore it should not be taught in the classroom either, or that if evolution is a religion, then surely creationism as well can be taught in the classroom. Johnson began reading the scientific literature on evolution. This led him to author Darwin on Trial , which examined the evidence for evolution from a religious point of view and challenged the assumption that the only reasonable explanation for the origin of species must be a naturalistic one, though science is defined by searching for natural explanations for phenomena. This book, and his subsequent efforts to encourage and coordinate creationists with more scientific credentials, was the start of the intelligent design movement. Intelligent design asserts that there is evidence that life was created by an "intelligent designer" mainly that the physical properties of living organisms are so complex that they must have been "designed". Proponents claim that intelligent design takes "all available facts" into account rather than just those available through naturalism. Opponents assert that intelligent design is a pseudoscience because its claims cannot be tested by experiment see falsifiability and do not propose any new hypotheses. Many proponents of the intelligent design movement support requiring that it be taught in the public schools. Johnson support the policy of " Teach the Controversy ," which entails presenting to students evidence for and against evolution, and then encouraging students to evaluate that evidence themselves. While many proponents of intelligent design believe that it should be taught in schools, other creationists believe that legislation is not appropriate. Answers in Genesis AiG has said: But we would like legal protection for teachers who present scientific arguments against the sacred cow of evolution such as staged pictures of peppered moths and forged embryo diagrams. Recent developments in state education programs[edit].

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Chapter 5 : The Supreme Court, public opinion and decision-making: Research roundup - Journalist's Reso

The purpose of this research is to examine theories of diffuse support and institutional legitimacy by testing hypotheses about the interrelationships among the salience of courts, satisfaction with court outputs, and diffuse support for national high courts.

Arbitration and mediation are the two major forms of ADR. ADR typically includes early neutral evaluation, negotiation, conciliation, mediation, and arbitration. As burgeoning court queues, rising costs of litigation, and time delays continue to plague litigants, more states have begun experimenting with ADR programs. Some of these programs are voluntary; others are mandatory. While the two most common forms of ADR are arbitration and mediation, negotiation is almost always attempted first to resolve a dispute. It is the preeminent mode of dispute resolution. Negotiation allows the parties to meet in order to settle a dispute. The main advantage of this form of dispute settlement is that it allows the parties themselves to control the process and the solution. Mediation is also an informal alternative to litigation. Mediators are individuals trained in negotiations, who bring opposing parties together and attempt to work out a settlement or agreement that both parties accept or reject. Mediation is used for a wide gamut of case-types ranging from juvenile felonies to federal government negotiations with Native American Indian tribes. Mediation has also become a significant method for resolving disputes between investors and their stock brokers. See Securities Dispute Resolution. Arbitration is a simplified version of a trial involving limited discovery and simplified rules of evidence. The arbitration is headed and decided by an arbitral panel. To comprise a panel, either both sides agree on one arbitrator, or each side selects one arbitrator and the two arbitrators elect the third. Arbitration hearings usually last between a few days to a week, and the panel only meets for a few hours per day. The panel then deliberates and issues a written decision, or arbitral award. Opinions are not public record. Arbitration has long been used in labor, construction, and securities regulation, but is now gaining popularity in other business disputes. Title 9 of the U. Code establishes federal law supporting arbitration. Where Title 9 applies, its terms prevail over state law. There are, however, numerous state laws on ADR. Forty-nine states have adopted the version of the Uniform Arbitration Act as state law. The act was revised in and subsequently adopted by twelve states. The arbitration agreement and award is now enforceable under both state and federal law. Constitution and Federal Statutes U.

Chapter 6 : Adjudication - Wikipedia

formal request that a higher court hear a case that has been decided in a lower court. State Supreme Courts are the highest courts which can hear appeals for cases involving state law, while the US Supreme Court is the highest court which can hear appeals for cases involving federal or constitutional law.

Chapter 7 : Division One: ASSOCIATE JUSTICE HELEN I. BENDIX - 2DCA

And the recent disaster that was the Brett Kavanaugh confirmation has further delegitimized the Court in the public or compelling explanation. about alternative constitutional designs, but.

Chapter 8 : U.S. Constitution | Constitution | US Law | LII / Legal Information Institute

In an effort to help clear the air, NC Family has put together the following information including a brief explanation of each amendment, how each amendment will appear on the ballot, a link to the full language of each amendment, and a link to the official explanation of each amendment.

Chapter 9 : Upcoming Constitutional Amendmentsâ€”What You Need To Know - NC Family Policy Council

The U.S. Constitution gives very few specifics about the way U.S. immigration policy should look, but it provides broad guidelines as to who has authority to make such policy, as well as the legal means for challenges to elements of that policy.