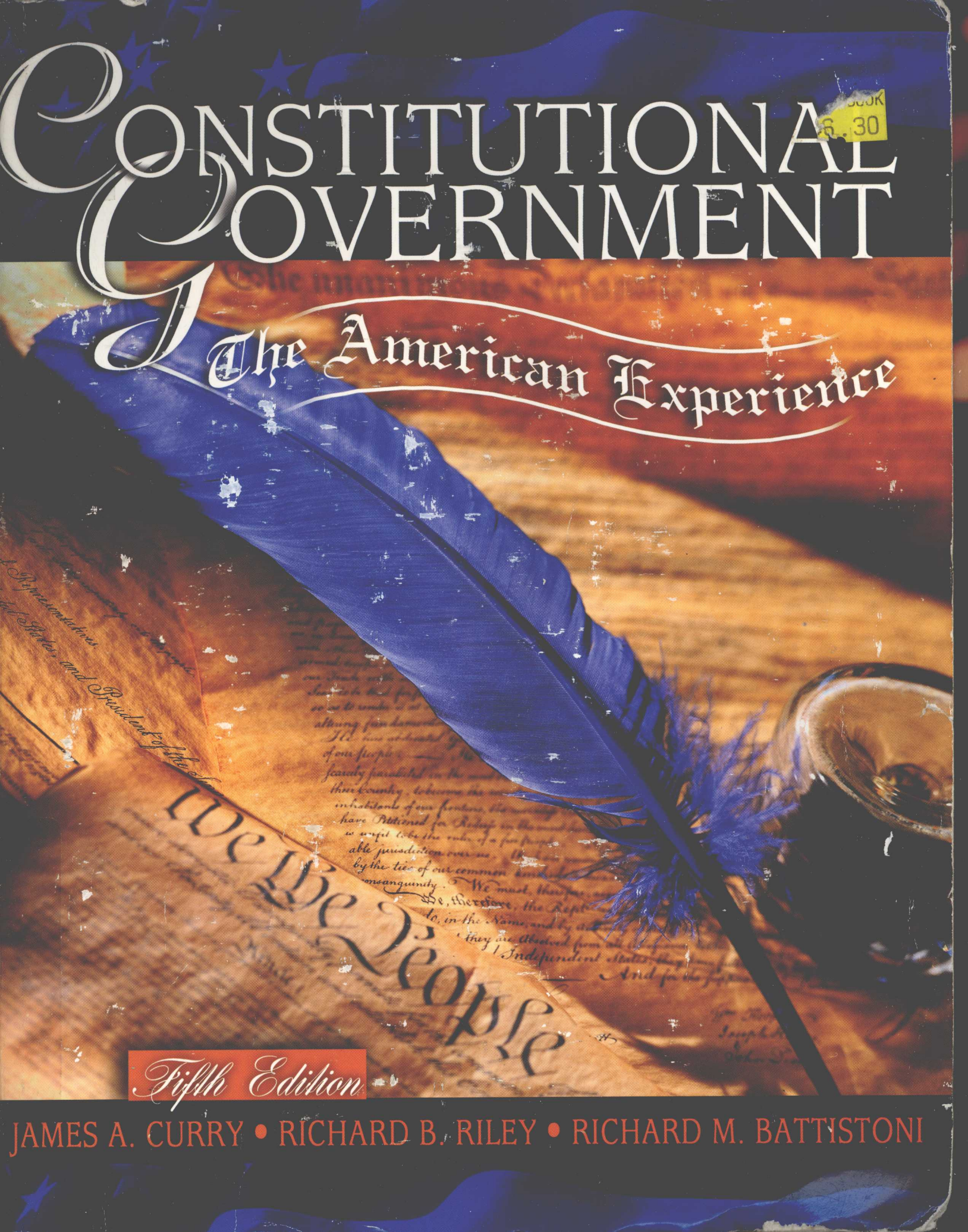


CONSTITUTIONAL GOVERNMENT

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The American Experience



Fifth Edition

JAMES A. CURRY • RICHARD B. RILEY • RICHARD M. BATTISTONI

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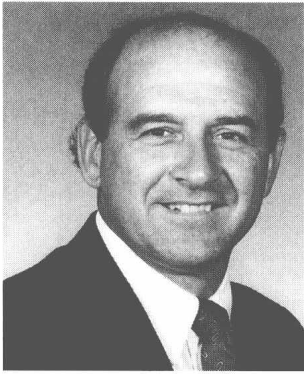
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About the Authors



James A. Curry is the Bob Bullock Professor of Public Policy and Administration and chair of the Department of Political Science at Baylor University. Dr. Curry has been recognized by Baylor University and numerous honorary organizations for his outstanding teaching and service. He is the Director of Baylor's Washington Internship Program and travels regularly to Washington to work with interns throughout the federal government.

Professor Curry earned a doctorate with honors in political science at the University of Kansas. He has published articles in several areas of political science, including both comparative and American politics. He has served as the Associate Editor of the *Journal of Church and State* and contributed to that journal for many years. Professor Curry is a member of the American Political Science Association, the Southwestern Political Science Association, and Pi Sigma Alpha.



Richard B. Riley is a professor of political science in the Department of Political Science at Baylor University. He received his Ph.D. from Duke University in 1975, and has taught a wide variety of courses in American government and politics and comparative politics. His primary specialties are in public policy, the regulatory process, constitutional law and development, and environmental politics and policy.

Professor Riley is a member of the American Political Science Association, the Southern Political Science Association, the Southwestern Social Science Association, and the American Association of University Professors. He has also served on the editorial boards for the *Journal of Church and State* and the *American Review of Politics*.



Richard M. Battistoni is professor of political science at Providence College and Campus Compact Engaged Scholar on Civic Engagement. Formerly the Director of the Feinstein Institute for Public Service at Providence College, he also developed and directed service-learning efforts at Rutgers and Baylor Universities. Professor Battistoni is currently director of Project 540, a National High School Civic Engagement Initiative funded by a grant from The Pew Charitable Trusts.

A scholar in the field of political theory with a principal interest in the role of education in a democratic society, Professor Battistoni is the author of several books and articles, including *Public Schooling and the Education of Democratic Citizens* and *Education for Democracy: Citizenship, Community and Service*, co-edited with Benjamin R. Barber and also available from Kendall/Hunt. He is a Phi Beta Kappa graduate of the University of Southern California and earned his doctorate in political science at Rutgers University.

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Preface to the Fifth Edition



As we began preparations for this edition of *Constitutional Government: The American Experience*, the primary focus of our work seemed to be the contentious presidential election of 2000 and the constitutional issues stemming from it. The Supreme Court's involvement in the eventual outcome and its decision in *Bush v. Gore* (2000), clearly made this a matter of extreme constitutional significance. In fact, the reader will see evidence of the constitutional implications throughout the fifth edition, especially in our newly crafted Chapter 14.

But the "best laid plans" sometimes must yield to new realities, and the horrendous events of September 11, 2001, stand almost unparalleled in American history. Clearly, the implications for constitutional government are immense. As a result, almost every chapter of this edition has been reworked to analyze the impact of September 11th on constitutionalism and American democracy. Our discussions include such issues as the President's "war powers," the growth of government bureaucracy, government surveillance and privacy rights, concerns over the due process of law for those suspected of terrorism, the freedoms to criticize or challenge government policies, and the role of religion in post-September 11th America. Without question, the overriding concerns of the fifth edition surround the very essence of constitutionalism—namely, as James Madison asked, how does one form a government with the powers to govern effectively and also impose controls upon that government. September 11th has brought that longstanding concern into full view in the United States.

The study of American constitutional government traditionally has been addressed in a number of different ways, ranging from detailed historical analysis to the highly legalistic casebook approach. While these approaches provide certain advantages in accounting for the devel-

opment of constitutionalism in America, each by itself leaves something of the story untold. We believe that a combined emphasis upon history, politics, and law offers a productive format for examining the growth and development of the United States Constitution.

This book is divided into three parts: Part I, titled "The Constitutional Text and Context," focuses upon the principles of constitutional government, the theory and practice of American constitutionalism, and the framers' efforts to construct an enduring document. Part II, titled "Structures and Processes of American Constitutional Government," analyzes several key principles of American constitutional thought and practice that have contributed to constitutional regimes around the world. The chapters in this section deal with judicial review, the separation of powers, and federalism. The final section of the book, "Constitutional Rights and Liberties," is by far the longest, largely as a result of the constantly expanding demand for and adjudication of individual freedoms in modern society. Topics covered in Part III include the Bill of Rights and selective incorporation, due process of law and criminal procedures, equal protection of the law, the right of privacy, and the freedoms of speech, press, and religion. A completely revised concluding chapter looks closely at timely and divisive issues of concern.

A few explanations to the reader about appendices are appropriate. First, to minimize having to document cases throughout the book, we have included a case index which lists all cases discussed in the text. In most instances, the citation refers to *United States Reports*, the official publication of decisions of the United States Supreme Court. In a few instances, commercial reporting systems are used to refer to very recent Supreme Court cases or those at the lower federal court level (e.g., *Supreme Court Reporter* or the *Federal Supplement*). Other appendices in-

clude a glossary of terms, the Constitution of the United States, and a general subject index.

The Fifth Edition offers ancillary material for instructors to assist students in better learning and using the information in the text. The material contains numerous exercises organized by chapter. These exercises include a list of key terms, leading Supreme Court cases, study questions, thought and opinion questions, and outside project suggestions. Sample test questions are also provided for each chapter. Additionally, a chronological appendix listing some basic statistical information about the various justices who have been appointed to the Supreme Court over the past 200 years is included.

A project of this magnitude clearly would not be possible without the assistance and support of many people. We are grateful for Baylor University's support of this book. Thanks also to

Betsy Ritz who provided the excellent photographs used to introduce each chapter. To our colleagues who have offered encouragement and helpful advice, we are especially indebted. Finally, to the several graduate and undergraduate students who have both served as sounding boards for our ideas in the classroom and helped with various research steps in the project, we express our thanks.

A project of this magnitude invariably requires sacrifices to be made, and large amounts of time must be spent away from home and family. This project was no exception, and, as a result, we are especially thankful to our wives, Kay, Judy, and Betsy, for their patience, understanding, and continued support. This book certainly would not have been possible without them.

J.A.C.

R.B.R.

R.M.B.