

George T. Felkenes

CONSTITUTIONAL LAW
FOR CRIMINAL JUSTICE

Second Edition

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PREFACE

The second edition of *Constitutional Law for Criminal Justice* is significantly revised and expanded from the first edition. A comprehensive treatment of the United States Constitution for students in the social and behavioral sciences as well as those studying for a professionally oriented degree remains a high priority. The second edition continues to develop, revise, and expand the constitutional aspects of criminal law and procedure and also provides a more comprehensive view of the more traditional aspects of constitutional development: commerce clause, concept of federalism, congressional powers, speech, press, religion, and civil-military conflicts. The second edition, reflecting the idea that the Constitution is a living, flexible document that is constantly being reinterpreted by the courts, incorporates many constitutional developments. Sections have been added on legal reasoning and precedents, Supreme Court opinions, mootness, racial discrimination, age discrimination, gender-based classification, and affirmative action. New material has been included on plea negotiations, and 168 recent cases and extracts have been selectively incorporated to bring the reader the latest information on constitutional interpretation.

As with the previous edition, each chapter of the second edition begins by introducing the general topical area in the chapter, including an historical perspective, a general overview of the constitutional and political problems involved, and the changing philosophies of the Supreme Court justices. I have continued those features of the first edition that received favorable reaction from users—long Supreme Court opinions have been edited to present the specific constitutional issues. By presenting the “meat” of the case, it is not necessary for the reader to grope

through a mass of “nice-to-know” information, which is not important for an understanding of the underlying constitutional principle.

A study of the Constitution through a course in constitutional law covers various aspects of the fields of criminology, criminal justice, business, political science, sociology, psychology, and numerous other disciplines. The Constitution is a document that lives with the times. It touches in some way many of the things that affect us every day—from standards for the materials contained in our alarm clock to the ingredients that are included in the glass of warm milk that we drink before retiring.

Even as this edition is being prepared, debate over the “liberal” or “conservative” interpretation continues to be a lively political issue. The powers of the United States Supreme Court are being discussed in Congress, in the White House, in state legislatures, in legal institutions, colleges, and universities, as well as in the local grocery, drugstore, and restaurant. This debate is crucial to the continued well-being of the Republic. The materials I have selected include cases of historical significance and the process by which the Supreme Court sets new precedents. The reader can study changes in the area of discrimination of all kinds by reading Chapters 7 and 8 and correctional theory in Chapters 13, 14, and 15. Our society cannot be fully appreciated without a clear understanding of the Constitution.

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