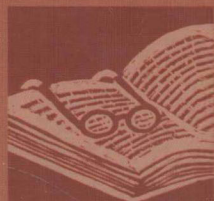


C O N C I S E  
H O R N B O O K S



PRINCIPLES OF

# Constitutional Law

THIRD EDITION

JOHN E. NOWAK  
RONALD D. ROTUNDA

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*To Julia, Gabriela & Maya*

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*To Mark & Erica*

Dad/Ron

\*

## Preface to the Third Edition

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This book follows seven editions of our one volume treatise, NOWAK & ROTUNDA, CONSTITUTIONAL LAW (7th ed., 2004, Thomson-West, Hornbook Series), and four editions of our five-volume treatise, ROTUNDA & NOWAK, TREATISE ON CONSTITUTIONAL LAW: SUBSTANCE AND PROCEDURE (4th ed., Thomson-West, 2007, with annual supplements). The object of our one volume treatise is to provide students with an in-depth analysis of all the subjects that might come up in law school constitutional law courses, and to offer assistance for those persons beginning their research into most constitutional issues. The multivolume treatise, we are pleased to say, has become the standard reference work for attorneys, judges, and scholars seeking an extensive analysis of most constitutional law issues, including those topics rarely studied in law school. State courts, federal courts, and commentators in the law reviews have cited these books several thousand times.

We hope that this more concise book will provide both students and non-students with an understanding of most fundamental principles of constitutional law commonly studied in the basic constitutional law courses offered in U.S. law schools. The purpose of this book is to explain and analyze those principles, and to provide a guide as to how judges and practitioners use them in the world outside the classroom, and how professors use them in the classroom and on examinations. Students who want further analysis of the case law and a discussion of additional cases on any subject should stop by their law library and consult one of our more complete works or purchase the one volume treatise.

The cut-off date for cases included in this text was July 1, 2007. Because this volume deals with basic principles, we trust that students will have little, if any, difficulty in using it to analyze cases that the Supreme Court will be deciding in the years ahead. The Court's future decisions should be based on the principles discussed here. They are the foundation used to develop new precedents, for the Justices do not own the law; they are its guardians, taking it from the prior generation, nurturing it, and then passing it on to the next.

We owe a special debt of gratitude to the late Professor J. Nelson Young, who was our coauthor on the early editions of our single volume and the original edition of our multivolume treatise. We cannot overstate Nelson's contribution to our growth as teachers and scholars. We express our thanks, as well, to all those students

and staff who have assisted us with the preparation of all of the editions of our coauthored works. Professor Nowak would like to acknowledge the invaluable help provided by his faculty assistant, Mrs. Sally Cook.

Finally, we need to express our thanks to Roxanne Birkel and Dennis Still of Thomson West. The help that they provided us was essential to the production of this text.

J.E.N.

R.D.R.

August, 2007

**PRINCIPLES  
OF  
CONSTITUTIONAL  
LAW**

**Third Edition**

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