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Liberty vs. Equality: Congressional Enforcement Power Under the Fourteenth Amendment

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Congressional Power Under The Fourteenth Amendment The

JS Bruner



Congressional Power Under The Fourteenth Amendment The:

Enforcing the Equal Protection Clause William D. Araiza, 2016 For over a century Congress's power to enforce the Fourteenth Amendment's guarantee of the equal protection of the laws has presented judges and scholars with a puzzle What does it mean for Congress to enforce such a wide ranging open ended provision when the Supreme Court has insisted on its own superiority in interpreting the Fourteenth Amendment In *Enforcing the Equal Protection Clause* William D Araiza offers a unique understanding of Congress's enforcement power and its relationship to the Court's claim to supremacy when interpreting the Constitution Drawing on the history of American thinking about equality in the decades before and after the Civil War Araiza argues that congressional enforcement and judicial supremacy can co exist but only if the Court limits its role to ensuring that enforcement legislation reasonably promotes the core meaning of the Equal Protection Clause Much of the Court's equal protection jurisprudence stops short of stating such core meaning thus leaving Congress free subject to appropriate judicial checks to enforce the full scope of the constitutional guarantee Araiza's thesis reconciles the Supreme Court's ultimate role in interpreting the Constitution with Congress's superior capacity to transform the Fourteenth Amendment's majestic principles into living reality The Fourteenth Amendment's Enforcement Clause raises difficult issues of separation of powers federalism and constitutional rights Araiza illuminates each of these in this scholarly timely work that is both intellectually rigorous but also accessible to non specialist readers *American Constitutional Law* Donald P.

Kommers, John E. Finn, Gary J. Jacobsohn, 2004 Designed for an undergraduate course in US constitutional law the casebook takes a liberal arts approach tracing constitutional doctrine and policy back to their foundation in social moral and political theory and prompting students to engage the great questions of political life addressed by the Constitution and its interpretation Opinions of the US Supreme Court constitute the core of the documents The first edition was published in 1998 the second adds and updates topics Annotation 2004 Book News Inc Portland OR booknews.com [The Dilemma in the Congressional Power to Enforce the Fourteenth Amendment](#) Frederick P Lewis, 1980-03-18 **Legislative History of the Equal Employment Opportunity Act of 1972 (H.R. 1746, P.L. 92-261), Amending Title VII of the Civil Rights Act of 1964** United States. Congress. Senate. Committee on Labor and Public Welfare. Subcommittee on Labor, 1972

Federalism and the Constitution Kenneth R. Thomas, American Law Division, 2001 The ratification of the Constitution was to a significant extent a defining of the lines of authority between the state and federal governments Over recent years the Supreme Court has decided a number of cases which address this historical relationship between the federal government and the states This report will discuss state and federal legislative power generally and will focus on a number of these federalism cases Issues to be addressed will include congressional power under Article I and the Fourteenth Amendment limits on congressional powers such as the Tenth Amendment and state sovereign immunity under the Eleventh Amendment The report does not however address the much larger policy issue of when it is appropriate as opposed to constitutionally

permissible for federal powers to be exercised **Hearings, Reports and Prints of the Senate Committee on the
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Commission V. Elrod* ,1980 Congressional Record United States. Congress,1982 **Jennings V. Illinois Office of
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