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American political parties have long existed in a gray area of constitutional law because of their uncertain status Parties in this country are neither fully public nor fully private entities This constitutional ambiguity has meant that political parties are considered private organizations for some purposes and public ones for others This public private entity problem has arisen in many different legal contexts over the years However given their case by case method of judicial review courts have typically dealt with only very discrete parts of this larger problem This work is an endeavor to describe and analyze the constitutional status of political parties in this country by synthesizing the best judicial and scholarly thinking on the subject In the final chapter I draw on these ideas to propose my own scheme for how political parties might be best accommodated in a democracy **The State and Federal Courts** Christopher P. Banks,2017-01-26 How does the American judiciary impact the development of legal and social policies in the United States How are the state and federal court systems constructed This book answers these questions and many others regarding politics the U S courts and society This single volume work provides a comprehensive and contemporary treatment of the historical development of state and federal courts that clearly documents how they have evolved into significant political institutions It addresses vital and highly relevant subjects such as the constitutional origins of courts the nature of judicial selection and service and the organization of courts and their administration The book explains civil and criminal legal proceedings the political impact of judicial rulings and the restraints placed upon the exercise of judicial powers Readers will come away with an understanding of the key principles of constitutional interpretation and judicial review as well as judicial independence what factors affect access to courts the underlying politics of state judicial campaigns and the confirmation of presidential appointments to the federal bench The book covers historical and contemporary court perspectives on major issues such as same sex marriage the Affordable Care Act campaign financing gun rights free speech and religious freedom racial discrimination affirmative action criminal procedure and punishments property rights and voting rights

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