Essay 2, option 1, student 1:

          Textualism is defined as a theory of statutory interpretation that holds that a statute's original meaning as evidenced in its text should govern how judges interpret the statute.  Supreme Court Justices Thomas and Scalia are known textualists as evidenced by their rulings and opinions.  Justice Scalia said in 1997, "It is the law that governs, not the intent of the lawgiver."  Since the Constitution was written and approved by the people, for the people it is the supreme law of the land and is implicated in every legal decision.  But it is believed that because the Constitution was going to be submitted to the people for their vote of approval, it had to be short enough to be published in the papers and read and understood by the common man.  It stands to reason, then, that not every right and privilege could be specified in the document.  This belief was supported by Chief Justice John Marshall in 1819 in McCulloch v. Maryland.  In his opinion he recognizes that the Constitution does not specifically give Congress the power to create a central bank but the Necessary and Proper Cause does allow Congress to seek an objective that is within its specified powers so long as it is not forbidden by the Constitution.  Also, it could not be expected that the framers of a Constitution, ratified in 1788, would be able to predict and document for all changes in society, technology, morality, etc., in the decades and centuries to come.  Therefore, Professor Amar makes several valid arguments for when we can go beyond the text.    
          One approach to interpreting the meaning of the Constitution is to look at the document "holistically" and not strictly literally.  Does, what is stated in the Constitution, make sense.  Between 1765 and 1769 Sir William Blackstone published four volumes of the *Commentaries on the Laws of England*.  In his publication he says that ordinarily judges have to pay attention to the rule of law but, in certain circumstances, if that law results in a peculiar scenario,then the Rule of Absurdity should apply which allows us to deviate from the literal meaning of a clause or statute to make sense of the rule as a whole.  One such strange scenario is who presides over an impeachment trial of the Vice President.  Article 1 Section 3 states that, "the Senate shall have the sole power to try all impeachments."  It also states that, "the Vice President of the United States shall be president of the Senate."  Read literally, this would mean that the Vice President would preside over his own impeachment trial . Since no man can be a judge on his own case, in this scenario the Constitution should be looked at not literally but as a whole as to what the intent was.  
          Another approach to looking beyond the text of the Constitution is to look at doctrine or precedent that has been established.  In common law legal systems, a precedent is, "a principle or rule established in a legal case that is either binding on or persuasive for a court when deciding subsequent cases with similar issue or facts."  "Stare decisis is the legal principle by which judges are obliged to respect the precedent established by prior decisions."  In this instance, following precedent set in previous case law history makes decisions in current or future case somewhat predictable.  However, the doctrinal argument is not solely confined to a strict adherence to previous case decisions.  The Supreme Court is obligated to reverse precedent when it has been determined that precedent wrongly interpreted the Constitution.   For instance, in Lawrence v. Texas (2003), the Supreme Court overruled its previous decision in Bowers v. Hardwick (1997) on the grounds that the former decision supporting a ban on sodomy was constitutionally wrong.  
          There are several other methods available to us for going beyond the actual text of the Constitution, namely structural, ethical, prudential, etc.  I think each of the methods of looking beyond the Constitution, or a combination of one or more of the methods, is important when studying the document because it is not always necessarily clear what the Constitution means or how it is to be applied and interpreted.  Since the Constitution does not contain instructions on how it is to be interpreted, it is up to us to look to methods outside of the document for assistance.