Cambridge University Press 0521859190 - The Rehnquist Legacy Edited by Craig M. Bradley Table of Contents More information

## CONTENTS

List of Contributors	<i>page</i> ix
Foreword: The Third Rehnquist Court Linda Greenhouse	xiii
INTRODUCTION Craig M. Bradley	1
SECTION I. THE FIRST AMENDMENT	
1 THE HUSTLER: JUSTICE REHNQUIST AND "THE FREEDO OF SPEECH, OR OF THE PRESS" Geoffrey R. Stone	DM 11
2 Less Is More: Justice Rehnquist, the Freedom of Speech, and Democracy Richard W. Garnett	26
3 "I GIVE UP!" WILLIAM REHNQUIST AND COMMERCIAI Speech Earl M. Maltz	43
4 INDIRECT FUNDING AND THE ESTABLISHMENT CLAUS REHNQUIST'S TRIUMPHANT VISION OF NEUTRALITY A PRIVATE CHOICE Daniel O. Conkle	
SECTION II. CRIMINAL PROCEDURE	
5 THE FOURTH AMENDMENT: BE REASONABLE <i>Craig M. Bradley</i>	81
6 DICKERSON V. UNITED STATES: THE CASE THAT DISAPPOINTED MIRANDA'S CRITICS – AND THEN ITS SUPPORTERS Yale Kamisar	106

Cambridge University Press 0521859190 - The Rehnquist Legacy Edited by Craig M. Bradley Table of Contents More information

viii	Contents	
7	Against the Tide: Rehnquist's Efforts to Curtail Expansion of the Right to Counsel James J. Tomkovicz	129
8	NARROWING HABEAS CORPUS Joseph L. Hoffmann	156
SECTION III. THE STRUCTURE OF GOVERNMENT		
9	William Rehnquist's Federalism Mark Tushnet	187
10	Federalism and the Spending Power from Dole to Birmingham Board of Education Lynn A. Baker	205
11	The Independent Counsel Case: A Tale of Two Conservatives Daniel A. Farber	222
12	THE BATTLE OVER STATE IMMUNITY William P. Marshall	240
13	Transcending the Routine: Methodology and Constitutional Values in Chief Justice Rehnquist's Statutory Cases <i>Philip P. Frickey</i>	266
14	REHNQUIST AND FEDERALISM: AN EMPIRICAL ANALYSIS Ruth Colker and Kevin M. Scott	279
SEC	TION IV. THE SCOPE OF FOURTEENTH AMENDMENT RIGHTS	
15	Abortion: A Mixed and Unsettled Legacy Dawn Johnsen	301
16	Substantive Due Process, Public Opinion, and the "Right" to Die <i>Neal Devins</i>	327
17	Privatizing the Constitution: State Action and Beyond David J. Barron	345
18	The Intractable Problem of Race Earl M. Maltz	369
Ind	ex	383