
CONSTITUTIONAL COMMENTARY

Volume 7, Number 1

Winter 1990

A Right to Pastimes? *D.P.B.*

Correspondence

Articles

Citizens, Aliens, Membership

and the Constitution *T. Alexander Aleinikoff*

Broadcasting in the Public Interest:

Lessons from Japan *Dan Rosen*

The Twenty-Second Amendment: A Practical

Remedy or Partisan Maneuver? *Stephen W. Stathis*

An Orthodox View of the Two-Tier

Analysis of Congressional Control

Over Federal Jurisdiction *William R. Casto*

The Federalist at 200—

What's It to Us? *Michael P. Zuckert*

Book Reviews by *Charles A. Lofgren, Melvin I. Urofsky,*

Herbert Hovenkamp, L.A. Powe, Jr., Karen Offen,

William L. O'Neill, Dianne S. Farber, John C. Chalberg,

James Magee, William A. Donohue, Richard E. Morgan,

Robert J. Steamer, Stephen A. Conrad

CONSTITUTIONAL COMMENTARY

Daniel Farber Editor, Article Section
 David Bryden Editor, Book Review Section
 Scott Banas, Joan Humes Technical Editors
 Laurie Newbauer Administrative Assistant

CONTENTS

BUT CF. . . .

A Right to Pastimes?	<i>D.P.B.</i>	1
Correspondence		5

ARTICLES

Citizens, Aliens, Membership and the Constitution	<i>T. Alexander Aleinikoff</i>	9
Broadcasting in the Public Interest: Lessons from Japan	<i>Dan Rosen</i>	35
The Twenty-Second Amendment: A Practical Remedy or Partisan Maneuver?	<i>Stephen W. Stathis</i>	61
An Orthodox View of the Two-Tier Analysis of Congressional Control Over Federal Jurisdiction	<i>William R. Casto</i>	89
<i>The Federalist</i> at 200— What's It to Us?	<i>Michael P. Zuckert</i>	97

BOOK REVIEWS

In the Name of War: Judicial Review and the War Powers Since 1918	<i>Charles A. Lofgren</i>	109
Two Jewish Justices: Outcasts in the Promised Land	<i>Melvin I. Urofsky</i>	119
The Limits of Judicial Power: The Supreme Court in American Politics	<i>Herbert Hovenkamp</i>	123
Jerry Falwell v. Larry Flynt: The First Amendment on Trial	<i>L.A. Powe, Jr.</i>	127
Women's Rights in France	<i>Karen Offen</i>	130

The Grounding of Modern Feminism . . .	<i>William L. O'Neill</i>	136
Gender Sanity: The Case Against Feminism	<i>Dianne S. Farber</i>	141
Fortas: The Rise and Ruin of a Supreme Court Justice	<i>John C. Chalberg</i>	155
Mr. Justice Black and His Critics	<i>James Magee</i>	163
Race, Class & Conservatism	<i>William A. Donohue</i>	180
James Madison: The Founding Father James Madison on the Constitution and the Bill of Rights		
The Last of the Fathers: James Madison and the Republican Legacy	<i>Richard E. Morgan</i>	186
The Supreme Court and Judicial Choice: The Role of Provisional Review in a Democracy	<i>Robert J. Steamer</i>	192
Conceptual Change and the Constitution	<i>Stephen A. Conrad</i>	197

Constitutional Commentary is published by the University of Minnesota Law School two times a year in January and July. Subscription: 1 year, \$15.00; single copies of issues in the current volume, \$7.50. Subscriptions are automatically renewed upon expiration unless a request for discontinuance is received.

Constitutional Commentary invites the submission of unsolicited manuscripts. We regret that such manuscripts cannot be returned except upon receipt of postage and handling fees of \$2.50. Citations conform generally to *A Uniform System of Citation* (14th ed. 1986), supplemented by *The Chicago Manual of Style*.

Communications should be addressed to: *Constitutional Commentary, University of Minnesota Law School, 229 19th Avenue South, Minneapolis, Minnesota 55455. Telephone: (612) 625-8034 (subscriptions); 625-3842 (Bryden); 625-1022 (Farber).* (ISSN 0742-7115)

Copyright 1990 by Constitutional Commentary.