
CONSTITUTIONAL COMMENTARY

Volume 4, Number 2

Summer 1987

- Post-Modern Dental Studies *D.A.F.*
Teaching The Commerce Clause:
A Problem Approach *D.A.F.*
Poverty and Welfare: The GAO Report

Articles

- Federalism and the Constitution: The
Founders' Design and Contemporary
Constitutional Law *Murray Dry*
Federal Courts at the Crossroads *Roger J. Miner*
Completing the Constitution:
The Thirteenth Amendment *Michael P. Zuckert*
Partisan Gerrymandering in the
Post-Bandemer Era *Charles Backstrom,*
Scott D. Eller, Leonard Robins
Reappraising Brandeis:
Comments on Recent Works *Samuel Krislov*
Procedural Due Process:
The Original Understanding *Edward J. Eberle*

Book Reviews by Michael E. Parrish, John C. Chalberg, Bruce H. Mann, Stephen A. Conrad, Mirra Komarovsky, Christopher Collier, George C. Christie, Ralph A. Rossum, Thomas D. Rowe, Jr., James Magee, William L. O'Neill, Dwight L. Teeter, Jr., Edward Foster, Barry Sullivan, David A.J. Richards, Mark Silverstein, Scott G. Knudson, Fred L. Morrison, Thomas P. Lewis, David P. Bryden

CONSTITUTIONAL COMMENTARY

David Bryden Editor, Book Review Section
 Daniel Farber Editor, Article Section
 Colleen Scherkenbach & Gerald Smith Technical Editors
 Laurie Newbauer Administrative Assistant

CONTENTS

BUT CF. . . .

Post-Modern Dental Studies	<i>D.A.F.</i>	219
Teaching The Commerce Clause: A Problem Approach	<i>D.A.F.</i>	223
Poverty and Welfare: The GAO Report		227

ARTICLES

Federalism and the Constitution: The Founders' Design and Contemporary Constitutional Law	<i>Murray Dry</i>	233
Federal Courts at the Crossroads	<i>Roger J. Miner</i>	251
Completing the Constitution: The Thirteenth Amendment	<i>Michael P. Zuckert</i>	259
Partisan Gerrymandering in the Post-Bandemer Era	<i>Charles Backstrom, Scott D. Eller, Leonard Robins</i>	285
Reappraising Brandeis: Comments on Recent Works	<i>Samuel Krislov</i>	319
Procedural Due Process: The Original Understanding	<i>Edward J. Eberle</i>	339

BOOK REVIEWS

Zechariah Chafee, Jr.: Defender of Liberty and Law	<i>Michael E. Parrish</i>	363
No Ivory Tower: McCarthyism and the Universities	<i>John C. Chalberg</i>	366

Decision in Philadelphia: The Constitutional Convention of 1787	
The First Amendment: The Legacy of George Mason	<i>Bruce H. Mann</i> 377
The New Right v. The Constitution The Supreme Court and the Decline of Constitutional Aspiration	<i>Stephen A. Conrad</i> 383
Hard Choices: How Women Decide About Work, Career, and Motherhood	<i>Mirra Komarovsky</i> 390
55 Men: The Story of the Constitution Based on the Day-to-Day Notes of James Madison	<i>Christopher Collier</i> 394
Legal Realism at Yale 1927-60	<i>George C. Christie</i> 400
Treatise on Constitutional Law: Substance and Procedure	<i>Ralph A. Rossum</i> 409
Redefining the Supreme Court's Role: A Theory of Managing the Federal Judicial Process	<i>Thomas D. Rowe, Jr.</i> 417
The Tolerant Society: Freedom of Speech and Extremist Speech in America	<i>James Magee</i> 422
Why ERA Failed: Politics, Women's Rights, and the Amending Process of the Constitution	
Rights of Passage: The Past and Future of the ERA	
Why We Lost the ERA	<i>William L. O'Neill</i> 433
Protecting the Best Men: An Interpretive History of the Law of Libel	<i>Dwight L. Teeter, Jr.</i> 438
Takings	<i>Edward Foster</i> 443
Supreme Court Practice	<i>Barry Sullivan</i> 452
Sexual Desire: A Moral Philosophy of the Erotic	
Morality, Sex, and the Constitution: A Christian Perspective on the Power of Government to Regulate Private Sexual Conduct Between Consenting Adults	
Are Gay Rights Right?	<i>David A.J. Richards</i> 463
Suing the Press	<i>Mark Silverstein</i> 470

Politics, Democracy, and the Supreme Court: Essays on the Frontier of Constitutional Theory	
God, Country & The Supreme Court	<i>Scott G. Knudson</i> 473
American Constitutional Interpretation	<i>Fred L. Morrison</i> 479
Judicial Conflict and Consensus— Behavioral Studies of American Appellate Courts	<i>Thomas P. Lewis</i> 481
Justice and Equality: Here and Now	<i>David P. Bryden</i> 493

Constitutional Commentary is published by the University of Minnesota Law School two times a year in January and July. Subscription: 1 year, \$12.00; single copies of issues in the current volume, \$6.00. 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 1987 by Constitutional Commentary.