

Erwin Chemerinsky journal articles (Boxes 1-20)

Box #	Contents
1	<ul style="list-style-type: none"> ● “Defining the ‘Best Interests’: Constitutional Protections in Involuntary Adoptions,” <i>Journal of Family Law</i>, Vol. 18 No. 1, 1979 ● “Protecting Lawyers from the Profession: Redefining the Lawyer’s Role,” <i>The Journal of the Legal Profession</i>, Vol. 5, 1980 ● “Ely - Democracy & Distrust: A Theory of Judicial Review,” <i>Wake Forest Law Review</i>, Vol. 17 No. 4, 1981 ● “Government Statistics: The Case for Independent Regulation - A Legislative Proposal,” <i>Texas Law Review</i>, Vol. 59 No. 7, 1981 ● “Fraud & Corruption Against the Government: A Proposed Statute to Establish a Taxpayer Remedy,” <i>The Journal of Criminal Law & Criminology</i>, Vol. 72 No. 4, 1981 ● “Ending the Dual System of American Public Education: The Urgent Need for a Legislative Action,” <i>DePaul Law Review</i>, Vol. 32 No. 1, 1982 ● “In Defense of Equality: A Reply to Professor Westen,” <i>Michigan Law Review</i>, Vol. 81 No. 3 & 4, 1983 ● “Controlling Inherent Presidential Power: Providing a Framework for Judicial Review,” <i>Southern California Law Review</i>, Vol. 56 No. 4, 1983 ● “Controlling Fraud Against the Government: The Need for Decentralized Enforcement,” <i>The Notre Dame Law Review</i>, Vol. 58 No. 5, 1983
2	<ul style="list-style-type: none"> ● “The Price of Asking the Wrong Question: An Essay on Constitutional Scholarship & Judicial Review,” <i>Texas Law Review</i>, Vol. 62 No. 7, 1984 ● “Changing the Rules of the Game: The New FCC Regulations on Political Debates,” <i>Hastings Journal of Communications & Entertainment Law</i>,” Vol. 7 No. 1, 1984 ● “State Sovereignty & Federal Court Power: The Eleventh Amendment After <i>Penhurst v. Halderman</i>,” <i>Hastings Constitutional Law Quarterly</i>, Vol. 12 No. 4, 1985 ● “Rethinking State Action,” <i>Northwestern University Law Review</i>, Vol. 80 No. 3, 1985 ● “Training the Ethical Lawyer: A Rejoinder to Schneyer,” <i>American Bar Foundation Research Journal</i>, Vol. 1985 No. 4, 1985 ● “Review Essay- Pedagogy Without Purpose: An Essay on Professional Responsibility Courses & Casebooks,” <i>American Bar Foundation Research Journal</i>, Vol. 1985 No. 4, 1985

	<ul style="list-style-type: none"> ● “Wrong Questions Get Wrong Answers: An Analysis of Professor Carter’s Approach to Judicial Review,” <i>Boston University Law Review</i>, Vol. 66 No. 1, 1986 ● “Thinking about Habeas Corpus,” <i>Case Western Reserve Law Review</i>, Vol. 37 No. 4, 1986-87 ● “A Paradox Without Principle: A Comment on the Burger Court’s Jurisprudence in Separation of Power Cases,” <i>Southern California Law Review</i>, Vol. 60 No. 4, 1987 ● “Protecting the Democratic Process: Voter Standing to Challenge Abuses of Incumbency,” <i>Ohio State Law Journal</i>, Vol. 49 No. 1, 1988 ● “Parity Reconsidered: Defining a Role for the Federal Judiciary,” <i>UCLA Law Review</i>, Vol. 36 No. 2, 1988 ● “Federal Courts, State Courts, & the Constitution: A Rejoinder to Professor Reddish,” <i>UCLA Law Review</i>, Vol. 36 No. 2, 1988 ● Private Conduct & Public Values,” <i>Beverly Hills Bar Association Journal</i>, Vol. 22 No. 3, 1988 ● Evaluating Judicial Candidates,” <i>Southern California Law Review</i>, Vol. 61 No. 6, 1988
3	<ul style="list-style-type: none"> ● “Foreword: The Vanishing Constitution,” <i>Harvard Law Review</i>, Vol. 103 No. 1, 1989 ● “Ideology, Judicial Selection & Judicial Ethics,” <i>The Georgetown Journal of Legal Ethics</i>, Vol. 2 No. 3, 1989 ● “The Constitution is Not ‘Hard Law’: The Book Rejection & the Future of Constitutional Jurisprudence,” <i>Constitutional Commentary</i>, Vol. 6 No. 1, 1989 ● “The Question is Not Clear, But Party Government is Not the Answer,” <i>William & Mary Law Review</i>, Vol. 30 No. 2, 1989 ● “An Encyclopedia on the Sociology of the Legal Profession,” <i>UCLA Law Review</i>, Vol. 37 No. 4, 1990 ● “Defining the Role of Federal Courts,” <i>Brigham Young University Law Review</i>, Vol. 1990 No. 1, 1990 ● “A Unified Approach to Justiciability,” <i>Connecticut Law Review</i>, Vol. 22 No. 4, 1990 ● “Congress, the Supreme Court & the Eleventh Amendment: A Comment on the Decisions During the 1988-89 Term,” <i>DePaul Law Review</i>, Vol. 39 No. 2, 1990 ● “In Defense of Truth,” <i>Case Western Reserve Law Review</i>, Vol. 4 No. 3, 1991

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4	<ul style="list-style-type: none"> ● “The Seduction of Deduction: The Allure of & Problems with a Deductive Approach to Federal Court Jurisdiction,” <i>Northwestern University Law Review</i>, Vol. 86 No. 1, 1991 ● “October Tragedy,” <i>Southern California Law Review</i>, Vol. 65 No. 3, 1992 ● “The Supreme Court & The Fourteenth Amendment: The Unfulfilled Promise,” <i>Loyola of Los Angeles Law Review</i>, Vol. 25 No. 4, 1992 ● “The Lawless Execution of Robert Alton Harris,” <i>The Yale Law Journal</i>, Vol. 102 No. 1, 1992 ● “Rationalizing Jurisdiction,” <i>Emory Law Journal</i>, Vol. 41 No. 1, 1992 ● “Should Title VII of the Civil Rights Act of 1964 Be Repealed?,” <i>Southern California Interdisciplinary Law Journal</i>, Vol. 2 No. 2, Vol. 3. No. 1, 1992-1994 ● “History, Tradition, the Supreme Court, & the First Amendment,” <i>Hastings Law Journal</i>, Vol. 44 No. 4, 1993 ● “The Fire This Time,” <i>Southern California Law Review</i>, Vol. 66 No. 4, 1993 ● “Is the Rehnquist Court Really That Conservative?: An Analysis of the 1991-1992 Term,” <i>Creighton Law Review</i>, Vol. 26 No. 4, 1993 ● “Making a Case for Constitutional Entitlements,” <i>Mercer Law Review</i>, Vol. 44 No. 2, 1993 ● “Lost Opportunity: The Burger Court & The Failure to Achieve Equal Education Opportunity,” <i>Mercer Law Review</i> ● “The First Amendment: When the Government Must Make Content-Based Choices,” <i>Cleveland State Law Review</i>, Vol. 42 No. 2, 1994 ● “Cases Under the Guarantee Clause Should be Justiciable,” <i>University of Colorado Law Review</i>, Vol. 65 No. 4, 1994 ● “Constitutional Scholarship in the 1990s: A Review of Public Values in Constitutional Law,” <i>Hastings Law Journal</i>, Vol. 45 No. 4, 1994 ● “Rehabilitating Federalism,” <i>Michigan Law Review</i>, Vol. 92 No. 6, 1994 ● “Eliminating Discrimination in Administering the Death Penalty: The Need for the Racial Justice Act,” <i>Santa Clara Law Review</i>, Vol. 35 No. 2, 1995
5	<ul style="list-style-type: none"> ● “A Passionate Voice Retires,” <i>University of Los Angeles Law Review</i>, Vol. 26, 1995 ● “Assessing Minimum Contacts: A Reply to Professors Cameron & Johnson,” <i>UC Davis Law Review</i>, Vol. 28 No. 3, 1995

	<ul style="list-style-type: none"> ● “Reporter’s Draft for the Working Group on Principles to Use When Considering the Federalization of Civil Law,” <i>Hastings Law Journal</i> Vol. 46 No. 4, 1995 ● “Is It the Siren’s Call?: Judges & Free Speech while Cases Are Pending,” <i>Loyola of Los Angeles Law Review</i>, Vol. 28 No. 3, 1995 ● “The Values of Federalism,” <i>Florida Law Review</i>, Vol. 47 No. 4, 1995 ● “Federal Judicial Independence Symposium,” <i>Mercer Law Review</i>, Vol. 46 No. 2, 1995 ● “The Fragmentation of Federal Rules,” <i>Mercer Law Review</i> ● “The Rehnquist Revolution,” <i>Nexus: A Journal of Opinion</i>, Vol. 1 No. 1, 1996 ● “The Ethics of Being a Commentator,” <i>Southern California Law Review</i>, Vol. 69 No. 4, 1996 ● “The Impact of the Proposed California Civil Rights Initiative,” <i>Hastings Constitutional Law Quarterly</i>, Vol. 23 No. 4, 1996 ● “The Filibuster,” <i>Stanford Law Review</i>, Vol. 49 No. 2, 1997 ● “The Ethics of Being a Commentator II,” <i>Santa Clara Law Review</i>, Vol. 37 No. 4, 1997 ● “Lawyers Have Free Speech Rights, Too: Why Gag Orders on Trial Participants Are Almost Always Unconstitutional,” <i>Entertainment Law Journal</i>, Vol. 17 No. 12, 1997
6	<ul style="list-style-type: none"> ● “What Would Be the Impact of Eliminating Affirmative Action?,” <i>Golden Gate University Law Review</i>, Vol. 27 No. 3, 1997 ● “Decision-Makers: In Defense of Courts,” <i>The American Bankruptcy Law Journal</i>, Vol. 71, 1997 ● “Justice Delayed is Justice Denied,” <i>Nexus: A Journal of Opinion</i>, Vol. 2 No. 1, 1997 ● “Formalism & Functionalism in Federalism Analysis,” <i>Georgia State University Law Review</i>, Vol. 13 No. 4, 1997 ● “Federalism Not as Limits, But as Empowerment,” <i>The University of Kansas Law Review</i>, Vol. 45 No. 4, 1997 ● “Preserving an Independent Judiciary: The Need for Contribution & Expenditure Limits in Judicial Elections,” <i>Chicago Kent Law Review</i>, Vol. 74 No. 1, 1998 ● “Is Tenure Necessary to Protect Academic Freedom?,” <i>American Behavioral Scientist</i>, Vol. 41 No. 5, 1998 ● “The Religious Freedom Restoration Act Is a Constitutional Expansion of Rights,” <i>William & Mary Law Review</i>, Vol. 39 No. 3, 1998

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7	<ul style="list-style-type: none"> ● “Silence Is Not Golden: Protecting Lawyer Speech Under the First Amendment,” <i>Emory Law Journal</i>, Vol. 47 No. 3, 1998 ● “Protecting Privacy from Technological Intrusions,” <i>Annual Survey of American Law</i>, Vol. 1999 No. 2, 1999 ● “Civil Rights Without Remedies: Vicarious Liability Under Title VII, Section 1983, & Title IX,” <i>William & Mary Bill of Rights Journal</i>, Vol. 7 No. 3, 1999 ● “In Defense of the Big Tent: The Importance of Recognizing the Many Audiences for Legal Scholarship,” <i>Tulsa Law Journal</i>, Vol. 34 No. 4, 1999 ● “The Rehnquist Court & Justice: An Oxymoron?,” <i>Washington University Journal of Law and Policy</i>, Vol. 1, 1999 ● “The Constitution in Authoritarian Institutions,” <i>Suffolk University Law Review</i>, Vol. 32 No. 3, 1999 ● “Opening Closed Chambers,” <i>The Yale Journal</i>, Vol. 108 No. 5, 1999 ● “The Ethics of Being a Commentator III,” <i>Mercer Law Review</i>, Vol. 50 No. 3, 1999 ● “Restoring Religious Freedom in the States,” <i>UC Davis Law Review</i>, Vol. 32 No. 3, 1999 ● “Balancing the Rights of Privacy & The Press: A Reply to Professor Smolla,” <i>The George Washington Law Review</i>, Vol. 67 No. 5 & 6, 1999 ● “Prosecutorial Immunity,” <i>Touro Law Review</i>, Vol. 15 No. 4, 1999 ● “The Supreme Court, Public Opinion, & the Role of the Academic Commentator,” <i>South Texas Law Review</i>, Vol. 40 No. 4, 1999 ● “On Being a Framers,” <i>The Green Bag Journal</i>, Vol. 2 No. 2, 1999 ● “A Framework for Analyzing the Constitutionality of Restrictions on Federal Court Jurisdiction in Immigration Cases,” <i>The University of Memphis Law Review</i>, Vol. 29 No. 2, 1999 ● “Protect the Press: A First Amendment Standard for Safeguarding Aggressive Newsgathering,” <i>University of Richmond Law Review</i>, Vol. 33 No. 4, 2000 ● “Students Do Leave Their First Amendment Rights at the Schoolhouse Gates: What’s Left of Tinker?,” <i>Drake Law Review</i>, Vol. 48 No. 3, 2000 ● “Religion in the Workplace...,” <i>Employee Rights & Employment Policy Journal</i>, Vol. 4 No. 1, 2000 ● “Procedural Due Process Claims,” <i>Touro Law Review</i>, Vol. 16 No. 3, 2000 ● “Losing Faith: America Without Judicial Review?,” <i>Michigan Law Review</i>, Vol. 98 No. 6, 2000

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8	<ul style="list-style-type: none"> ● “The Jurisprudence of Justice Scalia: A Critical Appraisal,” <i>University of Hawaii Law Review</i>, Vol. 22 No. 2, 2000 ● “The Rampart Scandal & The Criminal Justice System in Los Angeles County,” <i>Guild Practitioner</i>, Vol. 57 No. 3, 2000 ● “Right Result, Wrong Reasons: <i>Reno v. Condon</i>,” <i>Oklahoma City University Law Review</i>, Vol. 25 No. 3, 2000 ● “A Different Vision of Judicial Review: In Tribute to Professor Grano,” <i>The Wayne Law Review</i>, Vol. 46 No. 3, 2000 ● “Content Neutrality as a Central Problem of Freedom of Speech: Problems in the Supreme Court’s Application,” <i>Southern California Law Review</i>, Vol. 74 No. 1, 2000 ● “The Court Should Have Remained Silent: Why the Court Erred in Deciding <i>Dickerson v. United States</i>,” <i>University of Pennsylvania Law Review</i>, Vol. 149 No. 1, 2000 ● “Further Reflections of a Framers,” <i>The Green Bag Journal</i>, Vol. 3 No. 2, 2000 ● “Learning the Wrong Lessons from History: Why There Must Be an Independent Counsel Law,” <i>Widener Law Symposium Journal</i>, Vol. 5, 2000 ● “Law Enforcement & Criminal Law Decisions,” <i>Pepperdine Law Review</i>, Vol. 28 No. 3, 2001 ● “An Independent Analysis of the Los Angeles Police Department’s Board of Inquiry Report on the Rampart Scandal,” <i>Loyola Law Review</i>, Vol. 34 No. 2, 2001 ● “The Expressive Interest of Associations,” <i>William & Mary Bill of Rights Journal</i>, Vol. 9 No. 3, 2001 ● “Protecting the Spending Power,” <i>Chapman Law Review</i>, Vol. 4 No. 1, 2001 ● “Justice O’Connor & Federalism,” <i>McGeorge Law Review</i>, Vol. 32 No. 3, 2001 ● “Getting Beyond Formalism in Constitutional Law: Constitutional Theory Matters” & “Further Thoughts,” <i>Oklahoma Law Review</i>, Vol. 54 No. 1, 2001 ● “Against Sovereign Immunity,” <i>Stanford Law Review</i>, Vol. 53 No. 5, 2001 ● “<i>Bush v. Gore</i> Was Not Justiciable,” <i>Notre Dame Law Review</i>, Vol. 76 No. 4, 2001
9	<ul style="list-style-type: none"> ● “Keynote Address from the Tahoe Conference on Academic Debate,” <i>The Journal of the American Forensic Association</i>, Vol. 38 No. 2, Fall 2001

	<ul style="list-style-type: none"> ● “Why the Rehnquist Court is Wrong About the Establishment Clause,” <i>Loyola University Chicago Law Journal</i>, Vol. 33 No. 1, 2001 ● “Does Federalism Advance Liberty?” <i>The Wayne Law Review</i>, Vol. 47 No. 3, 2001 ● “The Federalism Revolution,” <i>New Mexico Law Review</i>, Vol. 31 No. 1, 2001 ● “The Role of Prosecutors in Dealing with Police Abuse,” <i>Virginia Journal of Social Policy & The Law</i>, Vol. 8 No. 2, 2001 ● “Of Course Ideology Should Matter in Judicial Selection,” <i>Nexus Journal</i>, Vol. 7, 2002 ● “A Grand Theory of Constitutional Law,” <i>Michigan Law Review</i>, Vol. 100 No. 6, 2002 ● “Supreme Court 2000-2001 Term: First Amendment Cases,” <i>Touro Law Review</i>, Vol. 18 No. 4, 2002 ● “The Rhetoric of Constitutional Law,” <i>Michigan Law Review</i>, Vol. 100 No. 8, 2002 ● “Balancing Copyright Protections & Freedom of Speech: Why the Copyright Extension Act Is Unconstitutional,” <i>Loyola Law Review</i>, Vol. 36 No. 1, 2002 ● “How Should We Think about <i>Bush v. Gore</i>?” <i>Loyola Law Journal</i>, Vol. 34 No. 1, 2002 ● “Ensuring the Supremacy of Federal Law: Why the District Court Was Wrong in <i>Westside Mothers v. Haveman</i>,” <i>Health Matrix: Journal of Law-Medicine</i>, Vol. 12 No. 1, 2002 ● “The Parsonage Exemption Violates the Establishment Clause & Should Be Declared Unconstitutional,” <i>Whittier Law Review</i>, Vol. 24 No. 3, 2003
<p>10</p>	<ul style="list-style-type: none"> ● “Supreme Court Review,” <i>The University of Kansas Law Review</i>, Vol. 51 No. 2, 2003 ● “Ideology & the Selection of Federal Judges,” <i>UC Davis Law Review</i>, Vol. 36 No. 3, 2003 ● “Separate & Unequal: American Public Education Today,” & “<i>Brown v. Board of Education</i>: A Moot Court Argument,” <i>American University Law Review</i>, Vol. 52 No. 6, 2003” ● “Closing the Courthouse Doors to Civil Rights Litigants,” <i>University of Pennsylvania Journal of Constitutional Law</i>, Vol. 5 No. 3, 2003 ● “Under the Bridges of Paris: Economic Liberties Should Not Be Just for the Rich,” <i>Chapman Law Review</i>, Vol. 6 No. 1, 2003
<p>11</p>	<ul style="list-style-type: none"> ● “Understanding the Rehnquist Court: An Admiring Reply to Professor Merrill,” <i>Saint Louis University Law Journal</i>, Vol. 47 No. 3, 2003

	<ul style="list-style-type: none"> ● “Ignoring the Rule of Law: The Courts & the Guantanamo Detainees,” <i>Thomas Jefferson Law Review</i>, Vol. 25 No. 2, 2003 ● “The Segregation and Resegregation of American Public Education: The Court’s Role,” <i>North Carolina Law Review</i>, Vol. 81 No. 4, 2003 ● “Privacy & the Alaska Constitution: Failing to Fulfill the Promise,” <i>Alaska Law Review</i>, Vol. 20 No. 1, 2003 ● “The Myth of the Liberal Ninth Court,” <i>Loyola Law Review</i>, Vol. 37 No. 1, 2003 ● “Real Discrimination?” <i>Washington University Journal of Law & Policy</i>, Vol. 16, 2004 ● “In Defense of Judicial Review: The Perils of Popular Constitutionalism,” <i>University of Illinois Law Review</i>, Vol. 2004 No. 3, 2004 ● “Post 9/11 Civil Rights: Are Americans Sacrificing Freedom for Security?” <i>Denver University Law Review</i>, Vol. 81 No. 4, 2004
12	<ul style="list-style-type: none"> ● “The Rehnquist Revolution,” <i>Pierce Law Review</i>, Vol. 2 No. 1, 2004 ● “A Pro Bono Requirement for Faculty Members,” <i>Loyola Law Review</i>, Vol. 37 No. 4, 2004 ● “Politics, Not History, Explains the Rehnquist Court,” <i>Temple Political & Civil Rights Law Review</i>, Vol. 13 No. 2, 2004 ● “The Constitution & Punishment,” <i>Stanford Law Review</i>, Vol. 56 No. 5, 2004 ● “Progressive & Conservative Constitutionalism as the United States Enters the 21st Century,” <i>Law & Contemporary Problems</i>, Vol. 67 No. 3, 2004 ● “What is Commercial Speech? The Issue Not Decided in <i>Nike v. Kasky</i>,” <i>Case Western Reserve Law Review</i>, Vol. 54 No. 4, Summer 2004 ● “In Defense of Judicial Review: A Reply to Professor Kramer,” <i>California Law Review</i>, Vol. 92 No. 4, 2004 ● “Unanswered Questions,” <i>The Green Bag Journal</i>, Vol. 7 No. 4, 2004 ● “Losing Liberties: Applying a Foreign Intelligence Model to Domestic Law Enforcement,” <i>UCLA Law Review</i>, Vol. 51 No. 6, 2004
13	<ul style="list-style-type: none"> ● “Justice in the Spotlight,” <i>Thomas M. Cooley Law Review</i>, Vol. 21 No. 3, 2004 ● “Putting the Gun Control Debate in Social Perspective,” <i>Fordham Law Review</i>, Vol. 73 No. 2, 2004 ● “A Proposal for a Wholesale Reform of California’s Sentencing Practice & Policy,” <i>Loyola Law Review</i>, Vol. 38 No. 2, 2004 ● “Detainees,” <i>Albany Law Review</i>, Vol. 68 No. 4, 2005 ● “Constitutional Issues Posed in the Bankruptcy Abuse Prevention & Consumer Protection Act of 2005,” <i>The American Bankruptcy Law Journal</i>, Vol. 79 No. 3, 2005

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14	<ul style="list-style-type: none"> ● “Same Sex Marriage: An Essential Step Towards Equality,” <i>Southwestern University Law Review</i>, Vol. 34 No. 4, 2005 ● “Keynote Address,” <i>Willamette Law Review</i>, Vol. 41 No. 5, 2005 ● “The End of an Era,” <i>The Green Bag Journal</i>, Vol. 8 No. 4, 2005 ● “The Lower Federal Courts & the War on Terrorism,” <i>Valparaiso University Law Review</i>, Vol. 39 No. 3, 2005 ● “Civil Liberties & the War on Terrorism,” <i>Washburn Law Journal</i>, Vol. 45 No. 1, 2005 ● “Reconceptualizing Federalism,” <i>New York Law School</i>, Vol. 50 No. 3, 2005-2006
15	<ul style="list-style-type: none"> ● “Making Sense of <i>Aprendi</i> & Its Progeny,” <i>McGeorge Law Review</i>, Vol. 37 No. 4, 2006 ● “Assessing Chief Justice William Rehnquist,” <i>University of Pennsylvania Law Review</i>, Vol. 154 No. 6, 2006 ● “The Assumptions of Federalism,” <i>Stanford Law Review</i>, Vol. 58 No. 6, 2006 ● “Why the Supreme Court Was Wrong about the Solomon Amendment,” <i>Duke Journal of Constitutional Law & Public Policy</i>, Vol. 1, 2006 ● “Federalism Cases” & “A Look Back at the Rehnquist Era & an Overview of the 2004 Supreme Court Term,” Vol. 21 No. 4, 2006
16	<ul style="list-style-type: none"> ● “The Rehnquist Court & the Death Penalty,” <i>The Georgetown Law Journal</i>, Vol. 94 No. 5, 2006 ● “The Future of Constitutional Law,” <i>Capital University Law Review</i>, Vol. 34 No. 4, 2006 ● “The Kennedy Court,” <i>The Green Bag Journal</i>, Vol. 9 No. 4, 2006 ● “An Unprecedented Threat to Civil Liberties: An Essay in Honor of Nadine Strossen,” <i>Tulsa Law Review</i>, Vol. 41 No. 4, 2006 ● “The Assault on the Constitution: Executive Power & the War on Terrorism,” <i>UC Davis Law Review</i>, Vol. 40 No. 1, 2006
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<p>19</p>	<ul style="list-style-type: none"> ● “Rethinking Legal Education,” <i>Harvard Civil Rights- Civil Liberties Law Review</i>, Vol. 43 No. 2, 2005 ● “Washington v. Glucksberg Was Tragically Wrong,” <i>Michigan Law Review</i>, Vol. 106 No. 8, 2008 ● “The Roberts Court at Age Three,” <i>The Wayne Law Review</i>, Vol. 54 No. 3, 2008 ● “The Essential but Inherently Limited Role of the Courts in Prison Reform,” <i>Berkeley Journal of Criminal Law</i>, Vol. 13 No. 2, 2008 ● “Losing Faith: The Supreme Court & the Abandonment of the Adjudicatory Process,” <i>Hastings Law Journal</i>, Vol. 60 No. 5, 2009 ● “Moving to the Right, Perhaps Sharply to the Right,” <i>The Green Bag Journal</i>, Vol. 12 No. 4, 2009 ● “Tucker Lecture, Law & Media Symposium,” <i>Washington & Lee Law Review</i>, Vol. 66 No. 4, 2009 ● “Foreword: Judicial Opinions as Public Rhetoric,” <i>California Law Review</i>, Vol. 97 No. 6, 2009 ● “The Meaning of Bush v. Gore: Thoughts on Professor Amar’s Analysis,” <i>Florida Law Review</i>, Vol. 61 No. 5, 2009

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<p>20</p>	<ul style="list-style-type: none"> ● “Why Write?” <i>Michigan Law Review</i>, Vol. 107 No. 6, 2009 ● “The Disparate Treatment of Race & Class in Constitutional Jurisprudence,” <i>Duke University School of Law</i>, Vol. 72 No. 4, 2009 ● “A Post-race Equal Protection?” <i>The Georgetown Law Journal</i>, Vol. 98 No. 4, 2010 ● “Two Cheers for State Constitutional Law,” <i>Stanford Law Review</i>, Vol. 62 No. 6, 2010 ● “The Future of the First Amendment,” <i>Willamette Law Review</i>, Vol. 46 No. 4, 2010 ● “A Progressive Visionary: Stephen Reinhardt & the First Amendment,” <i>The Yale Law Journal</i>, Vol. 120 No. 3, 2010 ● “Closing the Courthouse Doors,” <i>Montana Law Review</i>, Vol. 71 No. 2, 2010 ● “The Supreme Court 2009 Term Overview & 2010 Term Preview,” <i>Touro Law Review</i>, Vol. 27 No. 1, 2011 ● “The Ideal Law School for the 21st Century,” <i>UC Irvine Law Review</i>, Vol. 1 No. 1, 2011 ● “Our Pending National Debate: Is Health Care Reform Constitutional?” <i>Mercer Law Review</i>, Vol. 62 No. 2, 2011 ● “Fifty Years of Constitutional Law: What’s Changed?”, <i>Utah Law Review</i>, Volume 2016, Number 5, 2016 ● “Thinking About the Supreme Court’s Successes and Failures”, <i>Vanderbilt Law Review</i>, Vol. 69, No. 4, May 2016 ● “The Rational Basis Test Is Constitutional (and Desirable)”, <i>The Georgetown Journal of Law & Public Policy</i>, Vol. 14, No. 2, Summer 2016 ● “In Defense of Judicial Supremacy”, <i>William & Mary Law Review</i>, Vol. 58, No. 5, April 2017 ● “Abortion: A Woman’s Private Choice”, <i>Texas Law Review</i>, Vol. 95, No. 6, May 2017