PREFACE	vi
PART I. A COURT ON TRIAL	2
One. An End to Segregation	4
Two. A Court on Trial	16
Three. A Question of Sovereignty	28
Four. The Judges before Their Peers	44
Five. The Right to Decide	56
PART II. CONSTITUTIONAL LANGUAGE AND JUDICIAL REVIEW	64
Six. The Constitution Becomes Law	66
Seven. The Great Trial of 1937	82
Eight. How Firm a Foundation?	94
Nine. "Principles Long and	
Well Established"	104
Ten. Judicial Review under Review	116

PART III. THE SUPREME COURT AND	
PUBLIC POLICY	128
Eleven. The Elastic Clauses	130
Twelve. What Is Commerce?	140
Thirteen. To Regulate Commerce	
among the States	152
Fourteen. Due Process of Law	170
PART IV. A NEW CONSTITUTIONAL	
REGIME?	186
Fifteen. The Outlawing of	
Segregation	188
Sixteen. Justification of Judgments	204
Seventeen. A Plea for Boldness in	
Judges	216
PART V. JUDICIAL POWER AND	
DEMOCRATIC GOVERNMENT	234
Eighteen. A Question of Democracy	236
Nineteen. A Choice of Forums	248
Twenty. Frontiers of Judicial Power	260
APPENDIX: JOHN MARSHALL ON	
JUDICIAL REVIEW	276
BIBLIOGRAPHIC NOTES	280
INDEX	303