CONTENTS

	Preface: Introducing the Enforcement Power	ix
	Acknowledgments	xiii
	Introduction: Why the Enforcement Power, and Why Now?	1
PAF	RT I. HOW WE GOT HERE: A BRIEF HISTORY OF EQUAL	
	PROTECTION AND THE ENFORCEMENT POWER	
1.	Equal Protection before the Modern Era	23
2.	The Rise and Fall of Carolene Products	50
3.	A Historical Introduction to the Enforcement Power	84
PAF	RT II. WHERE WE ARE NOW: THE ENFORCEMENT POWER IN TODAY'S COURT	
4.	The Modern Enforcement Power: Principles and Paradoxes	113
5.	Constitutional Law and Legislative Policy	124
PAF	RT III. WHAT TO DO ABOUT IT: CONSTRUCTING A	
	MODERN ENFORCEMENT POWER	
6.	Refocusing Congruence and Proportionality	141
7.	The Deference Question	169
8.	An Aside on State Action	194
PAF	RT IV. APPLYING THE FIX: EQUAL PROTECTION AND BEYOND	
9.	Irrationality, Animus, and Deference	209
10.	Beyond Irrationality and Animus: The Enforcement Power in Other Contexts	227
	Conclusion: An Enforcement Power for a Twenty-First-Century	
	Constitutional Democracy	247
	Notes	251
	Bibliography	289
	Index	295
	About the Author	305