

Index

- AALS. *See* Association of American Law Schools
 abortion, 24, 41, 42–43, 53, 56, 104, 114, 203, 226–27
 ACLU, *See* American Civil Liberties Union (ACLU), *See* Women's Rights Project (ACLU)
 Affordable Care Act, 42, 174, 178–80
 Airline Deregulation Act, 163–64
Alabama v. Shelton, 108
 Alito, Samuel, 27, 30, 113, 128, 218, 226, 227
American Airlines, Inc. v. Wolens, 163
 American Civil Liberties Union (ACLU), 18, 35, 57, 63, 138, 167, 227
 anti-stereotyping, 52, 92
 antisubordination, 50–53, 59–61
Apprendi v. New Jersey, 109, 126, 129
Arbaugh v. Y&H Corp., 142, 143
 Article II, 192–94
 Article III, 145–46
 Association of American Law Schools (AALS), 16–17

Baker v. General Motors Corp., 156
Becker v. Montgomery, 141
 Biden, Joseph, 200, 204, 213
 Blackmun, Harry, 41, 73, 84, 225
BMW v. Gore, 159
Bob Jones University v. United States, 77, 85
Bowles v. Russell, 143, 144, 148
Bradwell v. Illinois, 34, 51
Brady v. Maryland, 110
 Brennan, William, 41, 73, 83–84, 225
 Breyer, Stephen, 9, 27, 42, 111, 184, 219
Browder v. Director, Illinois Department of Corrections, 140

Brown v. Board of Education, 35, 74, 76, 88, 90, 98
 Burger, Warren Earl, 77
Bush v. Gore, 192–93, 194, 225

Canton v. Harris, 110
Carlisle v. United States, 141
 casebook on sex-based discrimination, 17–18, 19–21
Caterpillar Inc. v. Lewis, 147
Center for Nuclear Responsibility, Inc. v. NRC, 140
Citizens United v. Federal Election Commission, 10
City of Chicago v. International College of Surgeons, 160
City of Sherrill v. Oneida Indian Nation of New York, 168
Civil Procedure in Sweden (Ginsburg), 151
 Civil Rights Act of 1964, 18, 23, 33, 54, 76, 88, 99, 114
Cleveland v. United States, 124
 Clinton, William (Bill), 8, 199, 204, 225
Coker v. Sullivan, 145
 Columbia Law School (professor), 18–19, 34
 Columbia Law School attendance, 5, 13
 Commerce Clause, 161, 173–80
Commissioner v. Moritz, 21
 Confrontation Clause, 107
Connick v. Thompson, 103, 109, 112–13, 115, 128
 Cornell University attendance, 4, 12, 223
 Cover, Robert, 153, 210
 criminal law and procedure, 120, 123–26, 132, 203

- Daimler AG v. Bauman*, 26, 28, 30
Day v. McDonough, 150
DeFunis v. Odegaard, 99
 demosprudence, 206, 214–16
 Derr, Allen, 33–37, 43
DKT Memorial Fund Ltd. v. Agency for International Development, 166
 Douglas, William, 41
 Due Process Clause, 23, 48, 159, 180
 Duncan, Arne, 88

 early career, 5, 7–8
 early life and family, 4–6, 223
Eberhart v. United States, 142
 Equal Protection Clause, 21, 23, 30, 36, 75, 84–86, 88, 92, 94, 96, 192
 Equal Rights Amendment, 18, 21–23, 32, 37
Equal-Women Reshape American Law (Strebeigh), 223
Erie Railroad v. Tompkins, 161

 Family and Medical Leave Act of 1993 (FMLA), 54, 58, 64
 federalism, 153, 158, 164, 168, 172–73, 181, 184, 188–89, 191, 193, 195–96, 234
 feminism, 36, 59–70
 Fifteenth Amendment, 31, 183–88, 192, 210
 Fifth Amendment, 48, 73, 85, 87, 105, 166
 First Amendment, 31, 221
Fisher v. University of Texas, 114
Flores-Villar v. United States, 39
 FMLA. *See* Family and Medical Leave Act of 1993
 Fourteenth Amendment, 3, 31, 32, 34–36, 54, 73, 76, 85–87, 89, 100, 183, 234
 Fourth Amendment, 10, 104, 105–6, 118, 123, 125–26, 133, 220
Frontiero v. Richardson, 21, 39, 44, 53, 60
 Full Faith and Credit Clause, 15, 154–66

Gasperini v. Center for Humanities, Inc., 161, 162, 163
Geduldig v. Aiello, 41, 44, 53, 54, 55
Gender and the Constitution (Ginsburg), 65
Gilmore v. City of Montgomery, 82
 Ginsburg, Martin (Marty), 4, 6, 12, 86–87, 201
Goesaert v. Cleary, 34, 35, 38, 42
Goldsboro Christian Schools, Inc. v. United States, 77
Gonzales v. Carhart, 25, 30, 42, 56, 114, 226
Gonzalez v. Thaler, 145

Goodyear Dunlop Tires v. Brown, 26
 Gora, Joel, 57
Gratz v. Bollinger, 96
 Green v. Kennedy, 75–80, 82
Green v. New Kent County School Board, 98
 Greenberger, Marcia, 209
Griggs v. Duke Power Co., 99
Griggs v. Provident Consumer Discount Co., 140
Groups and the Equal Protection Clause (Fiss), 53
Grupo Dataflux v. Atlas Global Group L.P., 147
Gutter v. Bollinger, 96

 habeas corpus, 127, 128, 129, 150, 159
Halbert v. Michigan, 108
 Harvard Law School attendance, 4, 13, 223
Henderson v. Shinseki, 144
Honda Motor Co. v. Oberg, 158
Hoyt v. Florida, 34, 36, 42–43

Ice v. Oregon, 127
 Indian tribes, 169–70
Intel Corp. v. Advanced Micro Devices, Inc., 165
 Internal Revenue Code, 7, 76, 77
 Internal Revenue Service (IRS), 6, 81, 82, 83, 86
 international law, 152
International Shoe v. Washington, 28
Iowa Mutual Insurance Co. v. LaPlante, 168

J. McIntyre Machinery, Ltd., v. Nicastro, 26
Jane Crow and the Law (Murray), 37
John R. Sand & Gravel Co. v. United States, 144, 149

 Kagan, Elena, 27, 111, 184, 208, 218, 231
Kahn v. Shevin, 60, 64, 99
 Kennedy, Anthony, 25, 27, 41, 218–27
Kentucky v. King, 106, 125
Kimbrough v. United States, 127
Kontrick v. Ryan, 141, 142

Ledbetter v. Goodyear Tire & Rubber Co., 9, 24, 30, 113, 207–10, 214, 227
Ledbetter, Lilly, 24, 208–9, 227
 legal pluralism, 152–54, 171
Lilly Ledbetter Fair Pay Act of 2009, 9, 24, 114, 207, 210, 214

- M.L.B. v. S.L.J.*, 115
 MacKinnon, Catherine, 53, 59, 61, 62
Maples v. Thomas, 109, 128, 131
Marshall v. Marshall, 157
 Marshall, Thurgood, 30, 41, 222, 224
 Marshall, Thurgood *comparison to*, 59, 91, 222, 225
Matsushita Electric Industries Co. v. Epstein, 155, 157
 Medicaid, 180–81, 182–83
Michigan v. Long, 160–61
 Moynihan, Patrick, 199–200, 202, 204
Muller v. Oregon, 34, 35–36, 42

National Federation of Independent Business v. Sebelius, 173, 174, 176, 178, 181
Nevada Department of Natural Resources v. Hibbs, 39, 54, 64
 Nineteenth Amendment, 22, 31
Northwest Austin Municipal Utility District No. 1 v. Holder, 185, 186
Norwood v. Harrison, 82

 O'Connor, Sandra Day, 10, 24, 83, 226, 230
 Obama, Barack, 9, 10, 24, 88, 207, 210, 214, 229
 Obama, Michelle, 88
 oral argument, 202, 218, 220, 221
 oral dissent, 113, 114, 206–16, 235, 236
Orr v. Orr, 64

 Palmieri, Edmund, 5, 13
 Patient Protection and Affordable Care Act of 2010. *See* Affordable Care Act
Pennoyer v. Neff, 28
Perkins v. Benguet Consolidated Mining Co., 28
Perry v. New Hampshire, 103–7
 personal jurisdiction, 28–29, 146, 147
Plains Commerce Bank v. Long Family Land & Cattle Co., 170
Planned Parenthood of Southeastern Pennsylvania v. Casey, 43, 56
Plessy v. Ferguson, 36, 51
 post-conviction remedies, 119, 123, 127–28
 preemption, 163, 189–92, 196
 pregnancy discrimination (as sex discrimination), 5, 44–53
 Pregnancy Discrimination Amendment (PDA), 54
 punitive damages, 159, 207

Rafeedie v. INS, 140
Ratzlaf v. United States, 124
Reed Elsevier, Inc. v. Muchnick, 144
Reed v. Reed, 18, 21, 31–34, 37, 38–39, 43, 60, 233
 Reed, Sally, 18, 32–34, 43
 Rehnquist Court, 104, 172, 173, 174
 Rehnquist, William, 54, 58, 64–66, 77, 107, 193, 195, 204
Riegel v. Medtronic, Inc., 189–91
 Roberts Court, 89, 104, 127, 172, 173, 174
 Roberts, John, 30, 89, 107, 172, 174–75, 186, 187, 211, 213, 224, 228
Roe v. Wade, 41, 44, 53, 55, 104, 203, 227
Ruhrgas AG v. Marathon Oil Co., 146–47
 Rule 23, 163
 Rutgers Law School (professor), 3, 5, 7–8, 14–15

Safford Unified School District. No. 1 v. Redding, 228–29, 230
 same-sex marriage, 8, 41
Santa Clara Pueblo v. Martinez, 167
 Save Ourselves Movement for Truth and Justice, 215
 Scalia, Antonin, 8, 10, 39, 85, 93, 94–95, 107, 109, 128, 162, 163, 193, 195, 214, 228, 236
Scarborough v. Principi, 142
Sebelius v. Auburn Regional Medical Center, 145
 Section 1983, 110, 111, 112
 Sentencing Guidelines, 109, 126, 131
 Seventh Amendment, 162
 sex-based discrimination, 7, 16–19, 23–25, 29, 34–38, 45, 53–54, 86, 102, 104, 115, 168, 203, 208, 223, 229, 231, 233
Sexual Harassment of Working Women (MacKinnon), 53
Shady Grove Orthopedic Associates, P.A. v. Allstate Insurance Co., 163
Shelby County v. Holder, 97, 114, 173, 184, 185, 186, 210–16
 Simon v. Eastern Kentucky Welfare Rights Organization (EKWRO), 81, 83–84
Sinochem International Co. v. Malaysia International Shipping Co., 146
 Sixth Amendment, 106, 109, 126, 127, 129
Skilling v. United States, 124
Skinner v. Switzer, 127–28, 131
 Sotomayor, Sonia, 26, 27, 28–29, 105, 107, 111, 184, 218, 219, 229, 231
 Souter, David, 42, 118, 137, 144, 229

- South Carolina v. Katzenbach*, 185
- Speedy Trial Clause, 128
- Spending Clause, 180–83
- Steel Co. v. Citizens for a Better Environment*, 141, 143, 146
- Stevens, John Paul, 7, 42, 73, 84, 127, 213
- Strate v. A-1 Contractors*, 168
- Struck v. Secretary of Defense*, 44–48, 53, 59, 233
- subject-matter jurisdiction, 138–47, 234
- Supremacy Clause, 123, 190, 191
- Supreme Court confirmation, 48, 104, 199–205, 236
- Swann v. Charlotte-Mecklenburg Board of Education*, 99
- tax law, 73, 100
- Tenth Amendment, 64
- The Uses of Jurisdictional Redundancy* (Cover), 153
- Thirteenth Amendment, 76, 183
- Thomas, Clarence, 110, 143, 193, 195
- Title VII, 18, 23, 24, 33, 54, 99, 114, 142, 214
- Torres v. Oakland Scavenger Co.*, 140
- transnational law, 151–52, 164–67
- Union Pacific Railroad Co. v. Brotherhood of Locomotive Engineers & Trainmen General Committee of Adjustment*, 144
- United States Court of Appeals for the District of Columbia, 8, 12, 73, 224
- United States v. Balsys*, 166
- United States v. Booker*, 109, 126–27, 131–32
- United States v. Lopez*, 161
- United States v. Morrison*, 161
- United States v. Robinson*, 139, 142–43
- United States v. Tiede*, 166
- United States v. Virginia (VMI)*, 23, 39, 40, 45, 50, 84, 85–87, 90, 92, 95–97, 100, 158
- United States v. Windsor*, 41
- Vance v. Ball State University*, 114
- Vermont v. Brillon*, 109, 128
- Virginia Military Institute, 73. *See United States v. Virginia (VMI)*
- Voting Rights Act of 1965, 9, 89, 97, 184–88, 210, 212, 215
- Voting Rights Amendment Act of 2014, 215
- Wagon v. Prairie Band Potawatomi Nation*, 169
- Wal-Mart Stores, Inc. v. Dukes*, 231
- Warren Court, 104, 127
- Weinberger v. Weisenfeld*, 39, 63
- Wengler v. Druggists Mutual Insurance Co.*, 61
- Whren v. United States*, 125
- Wickard v. Filburn*, 175
- women's rights, 4, 7–8, 18–25, 199, 209, 233
- Women's Rights Project (ACLU), 7, 18, 21, 34, 44, 59, 61, 64–65, 66, 91, 99, 117, 158, 167, 201, 222
- Wood v. Milyard*, 150
- Wright v. Reagan*, 73–74, 78, 79, 81–82, 84–85, 86
- Wulf, Melvin, 18, 35, 36, 38, 43
- Wyatt v. United States*, 37