

## BHAGWAT, ASHUTOSH

### Books

CONSTITUTIONAL LAW: TEACHER'S MANUAL (5th ed., Aspen Law & Business 2005) (with Mark Tushnet).

CONSTITUTIONAL LAW: TEACHER'S MANUAL (4th ed., Aspen Law & Business 2001) (with Mark Tushnet).

### Articles

Cooper v. Aaron *and the Faces of Federalism*, 52 ST. LOUIS U. L.J. 1087 (2008). [[WL](#)] [[LX](#)] [[Hein](#)] [[SSRN](#)]

*The Test That Ate Everything: Intermediate Scrutiny in First Amendment Jurisprudence*, 2007 U. ILL. L. REV. 783 (2007). [[WL](#)] [[LX](#)] [[Hein](#)] [[SSRN](#)]

*Institutions and Long Term Planning: Lessons from the California Electricity Crisis*, 55 ADMIN. L. REV. 95 (2003). [[WL](#)] [[LX](#)] [[Hein](#)]

*What If I Want My Kids to Watch Pornography?: Protecting Children from "Indecent" Speech*, 11 WM. & MARY BILL RTS. J. 671 (2003). [[WL](#)] [[LX](#)] [[Hein](#)]

*Affirmative Action and Compelling Interests: Equal Protection Jurisprudence at the Crossroads*, 4 U. PA. J. CONST. L. 260 (2002). [[WL](#)] [[LX](#)] [[Hein](#)]

*Cloning and Federalism*, 53 HASTINGS L.J. 1133 (2002). [[WL](#)] [[LX](#)] [[Hein](#)]

*Injury Without Harm: Texas v. Lesage and the Strange World of Article III Injuries*, 28 HASTINGS CONST. L.Q. 445 (2001). [[WL](#)] [[LX](#)] [[Hein](#)]

*Parking at BART, or Economics and its Discontents*, 4 GREEN BAG 2D 7 (2000). [[WL](#)] [[LX](#)]

*Separate but Equal?: The Supreme Court, the Lower Federal Courts, and the Nature of the "Judicial Power"*, 80 B.U. L. REV. 967 (2000). [[WL](#)] [[LX](#)] [[Hein](#)]

*Unnatural Competition? Applying the New Antitrust Learning to Foster Competition in the Local Exchange*, 50 HASTINGS L.J. 1479 (1999). [[WL](#)] [[LX](#)] [[Hein](#)] [[SSRN](#)]

*Modes of Regulatory Enforcement and the Problem of Administrative Discretion*, 50 HASTINGS L.J. 1275 (1999). [[WL](#)] [[LX](#)] [[Hein](#)] [[SSRN](#)]

*The McCleskey Puzzle: Remediating Prosecutorial Discrimination Against Black Victims in Capital Sentencing*, 1998 SUP. CT. REV. 145 (with Evan Tsen Lee). [[WL](#)] [[LX](#)] [[Hein](#)]

*Hard Cases and the (D)Evolution of Constitutional Doctrine*, 30 CONN. L. REV. 961 (1998). [[WL](#)] [[LX](#)] [[Hein](#)]

*Purpose Scrutiny in Constitutional Analysis*, 85 CAL. L. REV. 297 (1997). [[WL](#)] [[LX](#)] [[Hein](#)]

*Three-Branch Monte*, 72 NOTRE DAME L. REV. 157 (1996). [[WL](#)] [[LX](#)] [[Hein](#)]

*Of Markets and Media: The First Amendment, the New Mass Media and the Political Components of Culture*, 74 N.C. L. REV. 141 (1995). [[WL](#)] [[LX](#)] [[Hein](#)]

#### Chapters in Books

*Affirmative Action and Benign Discrimination*, in [GLOBAL PERSPECTIVES ON CONSTITUTIONAL LAW](#) \_\_\_\_ (Vikram D. Amar & Mark V. Tushnet eds., 2009).

*The Story of Whitney v. California: The Power of Ideas*, in CONSTITUTIONAL LAW STORIES \_\_\_\_ (Michael C. Dorf ed., 2d. ed. 2009).

*The Story of Whitney v. California: The Power of Ideas*, in [CONSTITUTIONAL LAW STORIES](#) 407 (Michael C. Dorf ed., 2004).

#### Other Publications

*Brief of Constitutional Law Professors David L. Faigman and Ashutosh A. Bhagwat, et al., as Amici Curiae in Support of Respondents in Gonzales v. Carhart and Gonzales v. Planned Parenthood, Nos. 05-830, 05-1382 (Introduction and Published Brief to United States Supreme Court)*, 34 HASTINGS CONST. L.Q. 69 (2006) (with David L. Faigman and Kathryn M. Davis). [[WL](#)] [[LX](#)] [[Hein](#)] [[SSRN](#)]

#### Book Reviews

\_\_\_\_ L. & HIST. REV. \_\_\_\_ (reviewing CHARLES L. ZELDEN, BUSH V. GORE: EXPOSING THE HIDDEN CRISIS IN AMERICAN DEMOCRACY (2008) (forthcoming 2009)).

*One Nation Color-Blind*, 1 GREEN BAG 2D 105 (1997) (reviewing J. HARVEY WILKINSON, III, ONE NATION INDIVISIBLE: HOW ETHNIC SEPARATISM THREATENS AMERICA (1997)). [[WL](#)]

Student Note

*Patronage and the First Amendment: A Structural Approach*, 56 U. CHI. L. REV. 1369 (1989). [[WL](#)] [[LX](#)] [[Hein](#)]