

---

# Contents

Preface	ix
PART I: <i>Brown v. Board of Education</i> —A Critical Introduction	
<i>Jack M. Balkin</i>	
1 <i>Brown</i> as Icon	3
2 The History of the <i>Brown</i> Litigation	29
3 Rewriting <i>Brown</i> : A Guide to the Opinions	44
PART II: Revised Opinions in <i>Brown v. Board of Education</i>	
• Jack M. Balkin (judgment of the Court)	77
• Drew S. Days III (concurring)	92
• Bruce Ackerman (concurring)	100
• Frank I. Michelman (concurring in part and concurring in the judgment)	124
• John Hart Ely (concurring in the judgment except as to the remedy)	135
• Catharine A. MacKinnon (concurring in the judgment)	143
• Michael W. McConnell (concurring in the judgment)	158
• Cass R. Sunstein (concurring in the judgment)	174
• Derrick A. Bell (dissenting)	185
• Comments from the Contributors	201

Appendix A: The Supreme Court's Original Opinions in <i>Brown I</i> , <i>Bolling</i> , and <i>Brown II</i>	
<i>Brown v. Board of Education (Brown I)</i>	217
<i>Bolling v. Sharpe</i>	226
<i>Brown v. Board of Education (Brown II)</i>	229
Appendix B: The Constitution of the United States of America: Selected Provisions	233
<i>Brown v. Board of Education</i> : A Selected Bibliography	237
About the Contributors	243
Table of Cases	247
Index	251