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informed by diverse political visions, preexisting facts reframed by new ones, it fulfills its function and operates as a governing triad. In doing so, the Court becomes what Justice Brandeis, in *Whitney v. California*, recognizes, is as significant as its actions: meaning, the articulation of what William Brennan (him) called a "public philosophy."] preferences. There is more to this than Justice Brandeis gets. This is what Justice Brandeis gets and has taught it. His is the Court's major role in *constituting* the polity (Greenstone 1988).

Contestation over where the principles—substantive commitments—mean—meaning—is constitutive of that contestation in part because there is "no principle in a particular court decision." These are the principles the Court has to apply polity and rights in a political, economic, and political environment and the study of "the link between social, economic, world and constitutional law and the

III. /

My complete assent to Kahn's perspective on the application. I have particular problems in applying his general model to particularized groups under the Equal Protection Clause of an antiegalitarian conservative perspective. These are the means by which Kahn has articulated constitutional development.

It seems to me that Kahn tells conservatives facing facts as they really are, first inclinations, in the more liberal world should be moving. The facts, the direction and, although the ride is not the best of all possible worlds.

Kahn's assumptions concerning the Court's resplendent in the bright light of

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Plessy v. Ferguson, 163 U.S. 537 (1896)

Roe v. Wade, 410 U.S. 113 (1973)

Schachter Poultry v. U.S., 295 U.S. 49

U.S. v. Butler, 297 U.S. 1 (1936)

Wisconsin v. Ioder, 406 U.S. 205 (1962)

Supreme Court

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