

Public Abstract

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Title: Commerce Clause New Federalism in the Rehnquist and Roberts Courts: Dynamics of Culture Wars  
Constitutionalism, 1964-2012

Commerce Clause New Federalism in the Rehnquist and Roberts Courts describes how interpretation of the Commerce Clause of the Constitution has evolved since the Constitution was first ratified by the several states. It shows how the clause, which was originally included to facilitate trade between the states by removing barriers to trade, evolved into Congress' primary justification for all kinds of actions that had previously been the domains of the states. The work includes case studies of four controversial cases that occurred when the Chief Justice was William Rehnquist along with a case study of *National Federation of Independent Business v. Sebelius* decided in the court of Chief Justice John Roberts. The work also makes the case that commerce-clause-based legislation was a critical contributor to the current culture wars occurring in America because each piece of legislation becomes a winner take all proposition with national ramifications.