



# We Dissent

*Mischael Avery*

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## **We Dissent** Mischael Avery

The lawyers and legal commentators who contribute to *We Dissent* unanimously agree that during Chief Justice William Rehnquist's nineteen-year tenure, the Supreme Court failed to adequately protect civil liberties and civil rights. This is evident in majority opinions written for numerous cases heard by the Rehnquist Court, and eight of those cases are re-examined here, with contributors offering dissents to the Court's decisions. The Supreme Court opinions criticized in *We Dissent* suggest that the Rehnquist Court placed the interests of government above the people, and as the dissents in this book demonstrate, the Court strayed far from our constitutional ideals when it abandoned its commitment to the protection of the individual rights of Americans.

Each chapter focuses on a different case - ranging from torture to search and seizure, and from racial profiling to the freedom of political expression - with contributors summarizing the case and the decision, and then offering their own dissent to the majority opinion. For some cases featured in the book, the Court's majority decisions were unanimous, so readers can see here for the first time what a dissent might have looked like. In other cases, contributors offer alternative dissents to the minority opinion, thereby widening the scope of opposition to key civil liberties decision made by the Rehnquist Court.

Taken together, the dissents in this unique book address the pressing issue of Constitutional protection of individual freedom, and present a vision of constitutional law in the United States that differs considerably from the recent jurisprudence of the United States Supreme Court.

Contributors: Michael Avery, Erwin Chemerinsky, Marjorie Cohn, Tracey Maclin, Eva Paterson, Jamin Raskin, David Rudovsky, Susan Kiyomi Serrano, and Abbe Smith.

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