Contents

Ack	enowledgments	page vii
	Introduction	1
	PART I POWER FOR THE PEOPLE: CREATING THE MODERN POLICE POWER	
1	State Constitutions and the Governance Project	17
2	The Police Power in Our Republic's First Century	42
3	"The Power to Govern Men and Things": The Police Power Evolves to Meet New Conditions	84
4	The Shape of the Police Power in the Modern Era	133
	PART II STRUCTURAL CONSIDERATIONS	
5	Separating and Distributing Powers and Functions	173
6	Constitutional Rights	200
7	Turning Inside Out: Resolving Conflicts over the Scope of the Police Power	237
8	The Police Power and Federalism	261

vi Contents

	PART III THE POLICE POWER'S PROMISE	
9	Spheres of Regulatory Governance	283
10	Techniques of Regulatory Intervention: New Legal Tools to Solve Wicked Problems	318
	Conclusion	331
Index		333